

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,)	3:21-CR-236-E(2)
)	
GOVERNMENT,)	
)	
V.)	DALLAS, TEXAS
)	
WILLIAM ROY STONE, JOSEPH)	
DELEON)	
)	
DEFENDANTS.)	AUGUST 8, 2023

TRANSCRIPT OF
JURY TRIAL
VOLUME 10B
BEFORE THE HONORABLE ADA E. BROWN
UNITED STATES DISTRICT JUDGE

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18 DEFENDANT DELEON:

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1 (P R O C E E D I N G S)

2 (Jurors enter courtroom.)

3 THE COURT: With that said, Mr. Westfall, your
4 witness.

5 MR. WESTFALL: Thank you, Your Honor.

6 ANDREW LATHAM,

7 having been previously sworn, testified as follows:

8 CONTINUED CROSS-EXAMINATION

9 BY MR. WESTFALL:

10 Q. Okay. Before we went to lunch, this is what we were
11 talking about, right?

12 A. Yes, sir.

13 Q. And you said that you had looked at some text
14 messages, and is this the text message that you looked at?

15 A. I have seen that text message, yes, sir.

16 Q. Were -- did you -- did you listen to any statements
17 or covered calls or anything like that --

18 A. I've heard --

19 Q. -- that pertains to this one deal?

20 A. -- I don't remember if I've heard anything specific
21 on recorded calls about this.

22 Q. Now, this -- this -- and this \$15,000 and the truck
23 are the two monetary allegations made against Joe DeLeon,
24 right?

25 A. I -- yes, Ms. Thompson did identify those as payments

1 made to Mr. DeLeon.

2 Q. Right. But that's -- that's the sum total of what
3 we're talking about in the evidence in this trial, that he is
4 alleged to have taken a truck and taken \$15,000, right?

5 A. I -- I believe she also said that she had given him
6 cash as well.

7 Q. Uh-huh. Did you say that?

8 A. Sir?

9 Q. Did you say that while you were testifying?

10 A. I don't believe so.

11 Q. Okay. As we -- we've seen some things come in and
12 out. But it seems like that what we keep going back to is the
13 \$15,000 and the pickup truck.

14 A. Those are things that were covered, yes, sir.

15 Q. Okay. And so anything else, like cash or -- or I
16 don't know, that's the only one we've heard. But you didn't
17 testify to that, so you're not -- you-all are not carrying that
18 one along. We're talking about 15,000 and the truck, right?

19 A. I -- I did not testify about cash to Mr. DeLeon at
20 this point.

21 Q. Okay. Then the \$15,000 was in late January,
22 January 29 -- 28 of 2016, right?

23 A. I believe the date on the -- correct, is the 29th,
24 yes, sir.

25 Q. Okay. And then the pickup truck is mid-February?

1 A. Yes, sir.

2 Q. So let's talk about this one first, the \$15,000,
3 okay?

4 A. Yes, sir.

5 Q. I'm going to show you right now what is in evidence
6 as Defendant 26.1. And it is a transcript of a call that we
7 heard yesterday, all right? Oops. And this is Casi Thompson
8 telling Joe DeLeon: Well, you're in the loop during that part.
9 He, meaning Bill, just didn't -- I wasn't allowed to tell you.

10 Oh, hey, that is no wonder I didn't know. I did
11 not have a clue.

12 And then she continues about the financial part
13 of it: Yeah.

14 So evidence has been that Bill told Casi to give
15 Joe a check, and Bill told Casi to give Joe the truck, all
16 right?

17 MS. RUDOFF: Objection, Your Honor, as to not
18 being a question.

19 MR. WESTFALL: It's a leading question.

20 THE COURT: Okay. Overruled.

21 Q. So that's what the evidence has been. Now, you want
22 to consider everything when we're trying to discern intent
23 based upon these transactions, right?

24 A. Yes, sir.

25 Q. And, you know, a -- a statement by the complainant

1 here, Casi Thompson, that she was not allowed to tell Joe that
2 Bill was pulling these strings, that is something that could
3 impact that analysis, isn't it?

4 A. It could be a factor.

5 Q. Yes, it could be a factor. Because if that's true,
6 then we don't have the criminal offense, right?

7 A. If what isn't true?

8 Q. If it is true that he did not know about this scheme
9 or artifice to defraud that he can't be guilty of it.

10 MS. RUDOFF: Objection; calls for a legal
11 conclusion.

12 THE COURT: Overruled.

13 Q. Are you familiar with the elements of conspiracy in
14 wire fraud?

15 A. Can you repeat the question, sir?

16 Q. Sure. If Joe DeLeon did not know about this scheme,
17 if he was not a part of a scheme, he is not guilty of wire
18 fraud; don't you agree?

19 MS. RUDOFF: Objection; calls for a legal
20 conclusion.

21 THE COURT: I'll sustain on that. It'll be up
22 to the jury to decide. But you can ask him -- you can ask him
23 about the elements.

24 Q. All right. Let's turn to the -- the F-150. Okay.
25 So we have to actually rewind a little bit from here. Did you

1 consider text messages in this Ford F-150 transaction?

2 A. Yes, sir.

3 Q. Okay. So you already considered this, the -- on the
4 16th of February -- not the 17th, when the check was written,
5 but on the 16th of February: Oh, my God, this truck is sweet.
6 I love it. Thank you. To which Casi responds, I hope you like
7 it. It's top of the line. And then Joe says, I meant to say I
8 know that you are at Celebrating Recovery [sic] and that I
9 should leave you alone, but I love this truck. Thank you so
10 much.

11 Now, once again, with our exercise of trying to
12 discern intent, don't you agree that looking at those things
13 could support a story that this was a gift?

14 A. It's a possibility. But with all the records that I
15 reviewed --

16 Q. And do you remember my question?

17 A. Sir?

18 Q. Do you remember my question?

19 A. Could you repeat it, sir?

20 Q. Looking at this thing, you could conclude that this
21 was a gift?

22 A. Looking solely at these messages, that is a
23 possibility.

24 Q. Okay. And let's just look at this here real fast.
25 Looking solely at those messages, that is a possibility. What

1 we have here is this truck -- well, you don't have that the
2 truck was given. Did you make this?

3 A. Yes, sir.

4 Q. How come you didn't put the stuff from -- from the
5 day before this check on it, the 2/16 e-mails -- or text
6 messages?

7 A. This chart relates to the financial aspects of this
8 transaction.

9 Q. So it doesn't even relate to whether or not this
10 truck was given to Joe?

11 A. Mr. DeLeon and Ms. Thompson exchanged checks for it.

12 Q. On the 16th?

13 A. The following day, Mr. DeLeon --

14 Q. Yes, sir.

15 A. -- provided -- or dated the check.

16 Q. So 2/16, truck goes to Joe. And text messages. I
17 mean, you don't -- well, let me ask you this. Are you making
18 these charts with the sole intent of making Joe look guilty?
19 Is that your job here? Are you an advocate or are you a
20 forensic, you know, investigator?

21 A. I am an investigative analyst. I'm not making a
22 chart for the purpose of making someone look guilty.

23 Q. So is it then your position that you really don't
24 care, the data speaks for itself, whether it helps them or
25 hurts them; is that your position?

1 A. I'm looking at the records available to me to review
2 and analyze to determine what happened.

3 Q. Okay. And that always raises the specter of garbage
4 in, garbage out, doesn't it, if you are given an incomplete
5 record?

6 A. Yes, sir.

7 Q. So on the 17th, Joe and Casi go down and get this
8 registration, the title changed over, right?

9 A. I don't recall the exact date on the title. I'd have
10 to see the document.

11 Q. Okay. Well, there it is. So on the 17th, they go.
12 And the presumed value is 20,560. The sales price is \$20,100.
13 And Joe gives Casi Thompson a check for \$20,100 on 2/17, right?

14 A. Yes, sir.

15 Q. Now, just looking at this, and the text messages from
16 the day before, does that support a story; does that support an
17 alternative theory that this was a gift and then Joe decided to
18 pay for it? Like, I can't let you give me that truck?

19 A. This seems to support a theory that he was paying for
20 the truck.

21 Q. Now, two weeks later, though -- and it was two weeks
22 later, right, that she gave him back a check?

23 A. I believe that is the date on the check that she
24 wrote to him.

25 Q. And it was also for \$20,100, right?

1 A. Yes, sir.

2 Q. Did you know that on the exact same day that check
3 was written, that half a million dollars was put into a new
4 account at Chase Bank?

5 A. Yes, sir.

6 Q. Did you know that she had received a million dollars
7 from the insurance payment at that time?

8 A. Roughly a million. I don't recall the exact amount.

9 Q. And that's the exact same date as this check that was
10 given to Joe, right; 3/2?

11 A. The date of the account opening?

12 Q. Yes.

13 A. If you could flip back, I -- yes, sir.

14 Q. And there's also the week that all three of them got
15 new cars. Did you know that?

16 A. Yes, sir.

17 Q. Now, here's one other thing that, I guess, from your
18 testimony you didn't see this, okay? But let me just show it
19 to you.

20 Do you see what this right here says?

21 A. Yes, sir.

22 Q. Do you see the date, 2/23?

23 A. Yes, sir.

24 Q. That's before 3/2, right?

25 A. It is.

1 Q. Does that say, Casi just ran over my F-150 pickup
2 truck with her new one?

3 A. No, sir.

4 Q. It says "car," right?

5 A. It does.

6 Q. There's more damage to hers than mine. She is really
7 angry with herself.

8 So why did you testify that she backed her car
9 into Joe's truck, and then go through all of the -- the -- the
10 shape of the truck when it was given to Carmax and that -- and
11 the fact that it was in good condition; why did you do all
12 that?

13 A. I don't believe I testified that she hit the F-150 or
14 drove the F-150 into a vehicle.

15 Q. You testified yesterday that the truck was in good
16 condition when turned into Carmax, and that was in the context
17 of you -- of her asking you, did -- did Joe lie and say that
18 my -- you know, she hit my truck, basically?

19 A. I was asked a -- for information on the appraisal of
20 what the condition of the truck was listed as. And I -- I read
21 off what was listed there.

22 Q. You know how difficult you are being to question
23 right now?

24 A. No, sir.

25 MS. RUDOFF: Objection, Your Honor, to the

1 sidebar.

2 THE COURT: Sustained.

3 Q. You testified --

4 THE COURT: Question and answer.

5 MR. WESTFALL: I'm -- I'm sorry, Your Honor?

6 THE COURT: Let's stick to question and answer.

7 MR. WESTFALL: Okay.

8 Q. You testified yesterday -- actually, she asked you a
9 leading question yesterday about the car hitting the truck --

10 MS. RUDOFF: Objection, Your Honor, to the
11 leading -- or to the sidebar, I'm sorry.

12 THE COURT: Overruled.

13 Q. She asked you a leading question. You answered her
14 leading question in such a way to communicate to this jury that
15 she -- that Casi backed her car into that F-150 pickup. Do you
16 remember that?

17 A. I remember testifying regarding the condition of the
18 F-150 when asked what was listed on the appraisal offer.

19 Q. All right. I'm going to show you what's been
20 marked -- or what's already in evidence as DeLeon Exhibit 142,
21 okay? You recognize that, right?

22 A. Yes, sir.

23 Q. And DeLeon Exhibit 143, you recognize that also,
24 right?

25 A. Yes, sir.

1 Q. These are toll records of Bill Stone's phones?

2 A. Yes, sir.

3 Q. And you were kind enough to look at some summary
4 exhibits of mine also?

5 A. Yes, sir.

6 Q. You are familiar with those?

7 A. Yes, sir.

8 Q. Okay. And we're going to talk about those in a
9 second. But I said something during opening statement that was
10 incorrect. There were no calls in 2014, were there?

11 A. I did not see any in 2014.

12 Q. And the truth is that Bill Stone actually had two
13 different phone numbers during 2015, right?

14 A. Yes, sir.

15 Q. And one of those phone numbers was 422-2863, true?

16 A. Yes, sir.

17 Q. Now, are you familiar with the fact that Casi used
18 the phone number (714) 227-6930?

19 A. Yes, sir. I believe that was one of the numbers that
20 she had at one point.

21 Q. Here. We'll go to DeLeon's 144, which is in
22 evidence.

23 So here's the (714) 227-6930, right?

24 A. Yes, sir.

25 Q. And then prior to that phone, she had a phone that

1 was in DeLeon's contacts as saying 137, right?

2 A. That appears to be part of the contact name, yes,
3 sir.

4 Q. Yeah. You see the 137, 137, 137? There's been
5 testimony that 137 means a cooperating individual to the FBI.
6 Did you know that?

7 A. I've heard that, yes, sir.

8 Q. And then her test- -- her cell phone number changed
9 to the 714 number. And then it changed to -- oh, it changed to
10 that after the -- okay.

11 This 3550 number, you know about that one,
12 right? I can't see well enough.

13 You know that she used a number with the last
14 four of 3550?

15 A. Yes, I believe that's correct.

16 Q. Okay. Well, in 142, which is the FBI phone, I guess,
17 for 2015, on the 25th of January, Casi calls Stone and speaks
18 with him for 63 minutes, true?

19 A. Yes, sir. There's a call from her phone to
20 Mr. Stone's FBI phone.

21 Q. Right. And here's an incoming call on the 3550
22 number for 78 minutes on 2/11, right?

23 A. Yes, sir.

24 Q. And an incoming call in -- for 37 minutes. And
25 another outgoing call. And these -- in fact, if you go through

1 all of these records, there are 108 calls in 2015 between Jim
2 Stone [sic] and Casi Thompson. Would you agree with that?

3 A. I would need to count to make sure of the exact
4 number. Based on prior review, that seems to be an --

5 Q. Okay.

6 A. -- in the general range.

7 Q. But it's in evidence. Certainly the jury can count
8 them if they feel inclined.

9 Now, 2863 is the other number. Now, this is his
10 local Dallas number, right?

11 A. I believe this is his personal cell phone number,
12 yes, sir.

13 Q. Right. And there is another call here to this
14 (714) 227-6930. And at the time she's in Santa Ana,
15 California; which I guess was the treatment center. And that
16 is just in the evidence.

17 So in this, the personal phone, there are 182
18 phone calls. Would you take my word on that?

19 A. I believe that's generally accurate. Again, I would
20 need to count to be certain.

21 Q. So between the two, that's 290 phone calls between
22 Jim Stone and Casi Thompson in 2015. Would you agree?

23 A. Yes, between Bill Stone and Ms. Thompson.

24 Q. Bill Stone, I'm sorry. All right. And now -- you
25 know, these -- all of the -- all of the summary exhibits you

1 have talked about up to this point have only had DeLeon and
2 Stone's information on them. But you know that the ones that I
3 made have everyone's information on them, right?

4 A. I believe some of the -- the charts I made also
5 contain Ms. Thompson's information.

6 Q. Stone, DeLeon telephone contact. Stone --

7 MS. RUDOFF: Objection, Your Honor. These
8 aren't admitted exhibits that we're showing.

9 MR. WESTFALL: Oh, sorry about that.

10 THE COURT: Sustained.

11 Q. You made this one, right?

12 A. Yes, sir.

13 Q. And that's only Stone and DeLeon, right?

14 A. It does include information about calls with
15 Ms. Thompson.

16 Q. Oh, when she calls them and they're covered? Okay.
17 My bad.

18 So what we see in this 2015, 2016 -- let's just
19 go to 2016 -- is DeLeon and Stone, DeLeon and Thompson and
20 Stone and Thompson, right?

21 A. Yes, sir.

22 Q. And when we go into 2017. What we see is a pretty
23 steep decline, right?

24 A. In regards to --

25 Q. In regards to the amount of traffic between DeLeon

1 and Thompson. In fact, we start to see that decline by, it
2 looks like, September of 2016; wouldn't you agree?

3 A. From the information on this chart, it looks like
4 there is a decrease that begins and a sharp drop-off between
5 August and September of 2016 between Mr. DeLeon and
6 Ms. Thompson.

7 Q. Yes. And then at the same time, we're seeing a
8 substantial increase with Stone and Thompson?

9 A. There is a -- a substantial contact between Mr. Stone
10 and Ms. Thompson.

11 Q. 2017, it becomes more substantial, doesn't it?

12 A. It's substantial. I'd have to compare between the
13 two to see how much of an increase it is.

14 Q. Meanwhile, DeLeon and Thompson have remained very
15 low. I mean, 11 phone calls for the month in December of 2017,
16 right?

17 A. That's correct, according to this chart.

18 Q. And then in 2018, Bill Stone is speaking to Casi
19 Thompson an average of -- I guess if you added them all
20 together, it would be something just under two hours a day on
21 the phone, right?

22 A. It would be over an hour a day. I'd have to do the
23 math.

24 Q. Okay. And then 2/19, we have this steep drop-off.
25 But this is what the complete picture looked like. What's that

1 phrase you used, "all of the available sources"? This is what
2 the complete picture of these three people looks like, isn't
3 it, from a telephone standpoint?

4 A. This is a picture of the phone records for these
5 three individuals during this date range.

6 Q. Finally, in this Neils thing, did you -- you
7 considered text messages, I guess?

8 A. Yes, sir.

9 Q. You considered toll records, phone toll records?

10 A. Yes, sir.

11 Q. It looks like that is pretty much what you considered
12 for this particular piece of -- this particular summary chart,
13 right?

14 A. I believe that's correct, yes, sir.

15 Q. Well, this is 81.1. This phone call -- or this
16 recording was played yesterday to the jury. And 2 to 3 years
17 ago would have been about the time that the phone call actually
18 happened. I'm talking 2016 and 2019, which is what I'll
19 represent to you when this occurred.

20 Bill tells Joe that he's forbidden from talking
21 with Neils. Don't talk to Neils. Neils is going to turn you
22 into a witness. That guy is no good. He's going to give you
23 up. He's going to end up getting you to testify if you ever
24 help him on any case --

25 (Court instruction.)

1 Q. I don't want you talking to him. Keep it to a
2 minimum and just blow him off.

3 And when we look at that message he sent to him
4 afterwards on the same day, August 10th, that looks like a
5 blow-off. Hey, Neils, how about my heart condition. So would
6 you make room for the possibility that he was doing what Bill
7 told him to do?

8 A. There is a possibility that Mr. Stone told Mr. DeLeon
9 to send this message that did not accurately capture the
10 contact between Mr. DeLeon and Mr. Stone.

11 Q. And finally, this is Defendant's 109. If you go in
12 here -- and here's an SAR Stone. But this begins -- and that
13 was in August of 2016. This is August of 2016. It says, SA
14 Stone, SA Stone, SA Bill Stone. Go SA Stone, SA Stone.

15 We go further into August here. SA Stone --

16 MS. RUDOFF: Objection, Your Honor. There is no
17 question being asked.

18 MR. WESTFALL: I'm publishing, Your Honor.

19 THE COURT: Overruled.

20 Q. You see that, right? In September of '16, SA Stone?

21 A. Yes, sir.

22 Q. And here's September. SA Stone, SA Stone, SA Stone,
23 SA Stone. And he continues to call him SA Stone.

24 So when we're telling the jury about a few times
25 when we see SAR Stone, that would be like consistent with a

1 joke about the Neils' text message. Don't you think it's fair
2 if we also tell the jury that that was a very isolated deal,
3 and the rest of the time it was SA Stone all the time? Don't
4 you think that would be fair?

5 A. It's not SA Stone all the time. There are other
6 instances of SAR.

7 Q. Uh-huh.

8 A. He does use SA and SAR following the text message
9 exchange.

10 Q. Well, here's the rest of the text messages for 2016.
11 This -- the last financial transaction that ever involves Joe
12 at all ends in February of 2016. We're already in -- we're
13 already in September of 2017, and it's virtually all SA Stone.
14 And even if it weren't, that wouldn't be very good evidence of
15 something having to do with that truck, would it?

16 A. The retirement-related stuff relating to the truck?

17 Q. Right.

18 A. For that individual transaction?

19 Q. No.

20 A. For that individual financial transaction, these
21 would be separate from that, yes.

22 Q. Okay.

23 MR. WESTFALL: Your Honor, I'll pass the
24 witness.

25 THE COURT: Members of the jury, are we doing

1 okay?

2 (Respond affirmatively.)

3 THE COURT: All right.

4 MS. RUDOFF: No redirect, Your Honor.

5 THE COURT: All right. Thank you so much for
6 being here today, sir.

7 Any objection to me excusing this witness,
8 Mr. Gallian?

9 MR. GALLIAN: No, Your Honor.

10 THE COURT: Mr. Westfall?

11 MR. WESTFALL: No, Your Honor.

12 THE COURT: All right. We appreciate you being
13 here yesterday and today. Thank you so much for your
14 testimony. You are free to go.

15 THE WITNESS: Thank you, Your Honor.

16 (Witness excused.)

17 MS. RUDOFF: At this time, Your Honor, the
18 government rests.

19 THE COURT: Okay. The government has rested its
20 case. So why don't we take just a quick like five-minute
21 break. Does that sound good?

22 MR. GALLIAN: That is great, Judge.

23 THE COURT: Take a stretch break and we'll come
24 back and hear the case from Defense.

25 (Jurors exit courtroom.)

1 THE COURT: All right. Please be seated.

2 Okay. Outside the presence of the jury, Defense
3 Counsel, what say you?

4 MR. GALLIAN: Your Honor, I know a way that all
5 of us can get out of here a lot quicker than we anticipated.

6 THE COURT: Hang on just a second.

7 (Sotto voce discussion.)

8 THE COURT: Go ahead.

9 MR. GALLIAN: At this time, because of the close
10 of the government's case, Stone moves for a motion for a
11 judgment of acquittal under Federal Rule of Criminal Procedure
12 Rule 29. We don't believe that a rational jury could find from
13 the evidence presented sufficient evidence to find our client
14 guilty; and, therefore, we are asking for a judgment of
15 acquittal. Specifically as it relates to the conspiracy count,
16 I think that it's clear for any rational juror to believe that
17 DeLeon was not involved; that he didn't have the understanding
18 that this probation was, in fact, fake. In fact, I think
19 the -- the victim, Casi Thompson, conceded that very point on
20 cross-examination. That's Count 1.

21 As it relates to the additional counts in this
22 case --

23 THE COURT: Pause you for just a second.

24 (Sotto voce discussion.)

25 THE COURT: Okay.

1 MR. GALLIAN: As it relates to the additional
2 counts in this case, specifically Count 2, withdrawal for cash
3 of \$9,000, Casi Thompson on the stand says she could not recall
4 what that amount was for. Only after being redirected did she
5 then say it could have been for the ring or it could have been
6 for travel money.

7 Cashier's check for Park Place, and the other,
8 which is Count 3, Count 5, Count 6 and Count 7, I don't believe
9 that a rational juror could find that those were
10 probation-related expenses. They were clearly in furtherance
11 of their relationship.

12 And the remaining count of Count 4, further
13 withdrawal of cash, there's been some jockeying by the
14 government at this point. I'm not sure why, but they obviously
15 have some concerns about the veracity of that \$5,000 cash
16 withdrawal in Count 4.

17 Count 8, again, for the reasons aforementioned,
18 I don't believe that there is any reason that a juror could
19 conclude that this money was derived from unlawful proceeds,
20 i.e., wire fraud.

21 And specifically Count 9, at all times relevant,
22 I went through it in painstaking detail. Every time that Casi
23 Thompson was asked about what Bill Stone's employment status
24 was in all of the recorded interviews, she said unequivocally
25 that he was with the CIA. It is a technicality, but it's one

1 that we'll gladly exploit.

2 And for those reasons, we believe that the Court
3 should grant our Rule 29 motion for judgment of acquittal as it
4 relates to Counts 1 through Count 9.

5 THE COURT: Government, what say you? And I'm
6 specifically interested in everything you have to say, but
7 specifically as to the last thing argued by Defense counsel
8 about CIA.

9 MS. MAX: Oh, I'll start with that, Your Honor.

10 THE COURT: Okay.

11 MS. MAX: Count 9, there was -- the testimony of
12 Casi Thompson was that at the beginning of the probation she
13 believed he was an FBI agent, because that is the employment
14 that she had known. And so that was being represented to her.
15 And she testified that was the representation upon which she
16 was working during that first, I believe she said, few years of
17 probation, which would certainly encompass all the times of the
18 cash transactions, the benefits that she gave him.

19 Her testimony was cleared up by both her and
20 Ranger Briley, that at the time she presented to report the
21 offense in 2019, at that point in 2019, Stone was representing
22 to her that he was working for the CIA. So at that time in
23 2019, she was under the belief that he was working for the CIA.
24 But her unequivocal testimony was that at the time the
25 probation started, and throughout the course of the early years

1 when she was giving the benefits, monetary benefits to Stone,
2 she was under the belief that he was an active FBI agent, as he
3 had -- as she had known him for at least ten years prior.

4 THE COURT: Okay.

5 MS. MAX: And further testimony was that at some
6 point during the probation, years into it, Stone told her he
7 retired. And then at that point he told her that he was
8 working with the CIA. But there was ample testimony from her
9 that at the beginning of the probation, when she gave those
10 gifts, she believed that he was a special agent with the FBI at
11 that time.

12 THE COURT: Okay. Anything further?

13 MS. MAX: Yes. Going back to address all the
14 other counts. Count 1 of the conspiracy, you know, there's
15 been ample evidence presented that both defendants carried out
16 the fraud of this secret probation directly with Casi Thompson.
17 At times in tandem and at times separately. Both through
18 monitoring and supervising her. Both men knew they were not
19 federal probation officers. They both financially benefited
20 from the secret probation scheme. They were both aware of her
21 inheritance and both did actions that controlled her financial
22 affairs.

23 They both were working together to advance this
24 secret probation lie to Ms. Thompson throughout the course of
25 the scheme at various times. We've seen obviously a lot at the

1 beginning, but we've also seen even at the end, they're both
2 advancing the lie to her.

3 Government does not believe it is a coincidence
4 that both men listed \$20,100 of the value of the vehicles that
5 they received from Ms. Thompson in taxing documents to stave
6 authorities. Both lied to investigators when questioned about
7 the money and property that they received from the victim.

8 We have destruction of communications. Again,
9 going to the financial affairs, DeLeon was given a power of
10 attorney over her financial affairs. Her cell phone was
11 monitored. They both attempted to cover up the lying to the
12 victim about their continued contacts with each other when she
13 questioned them. And they both engaged in active surveillance
14 of Casi Thompson as late as 2018 and 2019.

15 So this is just a smidge of the evidence that
16 the jury has heard to show that we have presented evidence that
17 would be sufficient to sustain a conviction for the conspiracy
18 count.

19 Moving on to Count 2, the --

20 THE COURT: Let me pause you for just a moment.

21 (Sotto voce discussion.)

22 MS. MAX: Count 2, the wire fraud. Casi
23 Thompson's testimony was she wasn't exactly sure, but she
24 testified about the \$9,000. But she testified that around this
25 time she wasn't withdrawing cash for any other purpose; and

1 that when she withdrew cash, it was either for Bill or Joe as
2 it related to her probation. She did not identify any other
3 large purchases at that time. The ring purchase she identified
4 as a different cash transaction.

5 We also showed a calendar entry which shows the
6 defendant meeting with Ms. Thompson on the same day as this
7 cash withdrawal. And we also put forth texts that establish at
8 that exact same time period the -- the -- I'll just call it the
9 Austin trip lie, as to which she would have to pay travel
10 expenses for. And Ms. Thompson's testimony was that but for
11 the probation scheme, she would not have given either of the
12 defendants cash.

13 Count 3, wire fraud. The cashier's check to
14 Park Place Mercedes. We presented evidence of the cashier's
15 check and testimony of Casi Thompson that she obtained the
16 cashier's check for the purpose of buying Bill Stone a vehicle.
17 Again, but for the probation lie, she said she would not have
18 purchased this vehicle for him. The car is titled to Stone and
19 was found in his possession.

20 Count 4, wire fraud. A \$5,000 transaction. We
21 presented to estimate -- testimony -- sorry, evidence of a cash
22 withdrawal by Casi, as well as her testimony. But for the
23 probation and her belief that she had to pay for Bill Stone's
24 travel expenses related with that, she would not have given him
25 cash. We presented a calendar entry that shows a meeting on

1 that same day. And we also are showing a corresponding cash
2 deposit in Stone's account around that same time. And there
3 are also texts that establish, again, the Austin probation
4 travel lie during this time period.

5 Count 5, the wire fraud. The cashier's check
6 payable to Texas Toyota of Grapevine. We presented evidence of
7 the cashier's check, testimony of Casi Thompson that she
8 obtained the cashier's check for the purpose of buying Stone a
9 vehicle based upon the probation lie. And a -- truck title's
10 to Stone. And we have traced out the truck that was found in
11 his possession was a derivative of this original vehicle that
12 she bought him.

13 Count 6, the wire fraud. It's a withdrawal by
14 cashier's check for \$154,000 to Bill Stone. It is the
15 testimony of Casi Thompson that she obtained the cashier's
16 check for the purpose of buying Stone a home so that he could
17 maintain his role in her probation. Again, her testimony was,
18 you know, but for the probation, I would not have given him
19 this money. And we have shown how this money has ended up
20 being utilized by Stone to ultimately purchase his Colleyville
21 home.

22 Count 7, the wire fraud, is the check payable to
23 Bath Kitchen Design Center for 25,000. We have evidence of
24 that check. We have testimony of Casi Thompson that the check
25 was done for remodeling on Stone's home. And, again, testimony

1 by her that she had to pay for the remodeling due to the
2 probation lie, to keep Stone, as her probation handler, happy.

3 So, again, her testimony that but for the
4 probation, she would not have remodeled his home. There is
5 also evidence showing that this -- this remodeling went
6 directly to the Colleyville home.

7 And then Count 8, engaging in transactions and
8 property derived from specified unlawful activity. We show a
9 purchase -- that Stone purchased a 349,000-and-change cashier's
10 check -- a cashier's check that was used to purchase his home.
11 And we have shown that the funds for that check come from
12 \$154,500 cashier's check that Casi Thompson gave him, which was
13 the proceeds of wire fraud, as I've just previously explained
14 in Count 6, as well as the fact that the funds also came from a
15 \$250,000 cashier's check that Casi Thompson gave Bill Stone on
16 March 2nd, 2016. This is the check that was given by Casi
17 Thompson to Bill Stone based upon the probation lie that she
18 owned -- that she owed \$250,000 in restitution to Enterprise
19 rental car.

20 And then in Count 9, the false impersonation.
21 Beyond just clearing up that Casi Thompson's testimony did
22 establish that she was working under the assumption in 2015,
23 2016, well into 2017, that Bill Stone was a special agent with
24 the FBI, the dollar amount that is listed in Count 9 is the
25 over -- approximately \$700,000 comes from all of the

1 transactions that we have previously established, as well as
2 additional ones that the jury has heard about \$5,000 cash
3 withdrawals that went to Bill Stone for the Austin travel lie.

4 And, again, Casi Thompson established that she
5 only gave the money because of the secret probation lie. And
6 that the secret probation lie was only believable to her
7 because of her belief that Stone was an FBI agent.

8 We also had testimony from Penny Weisand, many,
9 many moons ago, that during this time period, December of 2017,
10 is when Bill Stone represented to Penny Weisand, at Casi
11 Thompson's graduation party, that he was an FBI agent; and, in
12 fact, flashed a badge to Penny Weisand, which was of great note
13 to Penny Weisand, as she is a court coordinator and very
14 familiar with the different law enforcement entities. And she
15 had unequivocal testimony that Bill Stone represented to her in
16 December of 2017 that he was an FBI agent.

17 THE COURT: All right. Thank you.

18 MR. GALLIAN: If I may just briefly?

19 THE COURT: Certainly.

20 MR. GALLIAN: As it relates to Count 8, engaging
21 in monetary transactions and property derived from specified
22 unlawful activity. Admittedly, even going into this case, the
23 trial, I was a little bit confused on how they were going to
24 prove that up. What I heard Ms. Max just say was that they've
25 put on testimony that \$154,500 check was given to him. Well,

1 the problem is, is that they've already alleged that amount in
2 a wire fraud count; specifically Count 6. And so to allege
3 that it is also in Count 8, I think, is inappropriate; and
4 therefore, it's double-charging for the same offense.

5 And then as it relates to what she said in the
6 alternative, which is a \$250,000 check, there's been absolutely
7 zero, zero testimony from any analyst anywhere that can say
8 that that money was traced, that it was shown; that that
9 \$250,000 that he deposited in March of 2016 was then used to
10 purchase the house.

11 You've been listening, just like I have. No
12 tracing, no sort of saying, these are the same funds. There is
13 no low-water threshold. No tracing done on the 250 whatsoever.

14 So to assert that the allegation is that Count 8
15 is supported by 154,500 is inappropriate, because that is Count
16 6, I think it is double-charging. And I also think that
17 there's been absolutely zero testimony that the 250 can be
18 traced to that cashier's check that was purchased in September
19 of 2016.

20 And so I just wanted to clear that up.
21 Additional grounds for why we believe Count 8 should be a
22 Rule 29 motion for judgment of acquittal as well.

23 THE COURT: Anything from Mr. DeLeon's counsel?

24 MR. SELLERS: Yes, Your Honor.

25 THE COURT: I'm sure the record reflects this --

1 all of this is taking place outside the presence of the jury.

2 MR. SELLERS: Now that the door's closed, I'll
3 start.

4 Your Honor, we too, on behalf of Joe DeLeon,
5 move for a Rule 29 judgment of acquittal. As the Court has
6 noted to us a few times, we are only in one count, the
7 conspiracy count. Although, it doesn't seem like we're only in
8 one count from the evidence.

9 However, as hard as they may have tried, they
10 cannot overcome Casi Thompson herself's own testimony that
11 these were gifts to Joe. No matter what happened after that;
12 at the time she gave Joe the truck, at the time she gave Joe
13 that 15,000, she said under oath from that stand that those
14 were gifts. That cannot be a fraud if it is a gift. For that
15 reason alone, we -- we believe we're entitled to the Rule 29.

16 Furthermore, you go to the manner and means of
17 the conspiracy, and it all surrounds the secret probation and
18 the belief that Bill Stone is in the FBI. As Mr. Stone's
19 counsel said in opening and, again, here on behalf of his
20 client, that Joe DeLeon did not know about the scheme or
21 artifice to defraud the secret probation. Even Ms. Thompson
22 herself, when I asked her, you cannot rule out the possibility
23 that Joe also believed that Bill was in the FBI and the
24 probation was real. And she said, I'm -- what was her words?
25 I'm still on the fence about that.

1 That is reasonable doubt language right there.
2 There is no basis from which a rational jury could find that
3 Joseph DeLeon conspired, confederated or combined to try to
4 defraud Casi of the truck and the \$15,000 that she herself
5 admitted were gifts.

6 For those reasons, we move for a Rule 29.

7 THE COURT: All right. So I'm looking back at
8 the transcript. These -- all of these objections were made
9 timely. And I'll rule on them at the next break. I want to
10 click around and click through some things and take my time on
11 one or two of them. So I'll give you a ruling here shortly.
12 But everything is timely preserved for appeal, and I'll give
13 you a ruling on our next break.

14 MS. MAX: Your Honor, may I just respond to one
15 point?

16 THE COURT: Absolutely.

17 MS. MAX: The only direct evidence that we've
18 heard that Joe DeLeon did not know that this was probation was
19 Defense counsel's opening statements, which are obviously not
20 evidence. And there was no testimony that Casi Thompson said
21 that these were gifts to Joe DeLeon. Her testimony was I was
22 directed by Bill Stone to give the truck to Joe DeLeon and I
23 did not want to. So I just wanted to remind the Court of that.

24 THE COURT: I appreciate that. And I do not
25 foresee -- well, if I need further argument or evidence, I will

1 certainly let you guys know. I'm just going to check a couple
2 of things and then I'll get back to you.

3 So let's proceed as if it is not going to be
4 granted. And if I decide it will be, then we'll take it up
5 then.

6 (Off-the-record discussion.)

7 (Jurors enter courtroom.)

8 THE COURT: Your witness.

9 MR. GALLIAN: Your Honor, members of the jury,
10 at this time Bill Stone calls Kelsey Adams to the stand.

11 THE COURT: Your witness, sir.

12 KELSEY ADAMS,

13 having been first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. GALLIAN:

16 Q. Good afternoon, Ms. Adams.

17 A. Hello.

18 Q. How are you?

19 A. Good. How are you?

20 Q. We've met before, haven't we?

21 A. Yes, sir.

22 Q. Let's tell the jury a little bit about who you are.
23 What do you do for a living?

24 A. I'm a designer, and I specialize in remodeling homes.

25 Q. Where do you currently work?

1 A. For The Design House.

2 Q. Where is that located?

3 A. In Denton, Texas.

4 Q. Where are you from originally?

5 A. I'm from a small town in south Texas.

6 Q. About when did you move to the D/FW area?

7 A. Around 2012.

8 Q. Okay. I want to draw your attention to approximately
9 the time frame of 2016. Do you remember an individual that you
10 were working for around 2016?

11 A. Yes, sir.

12 Q. Who was that?

13 A. Bill Stone.

14 Q. Who was the employer at that point, who was your
15 boss?

16 A. Stan Roberts.

17 Q. And what company did Stan Roberts own?

18 A. Bath Kitchen Design Center.

19 Q. When did you start working for Mr. Roberts?

20 A. 2015.

21 Q. What was the dynamic of y'all's relationship?

22 A. It was a small company. He was the owner and I was
23 the only designer on the team. And we had several contractors
24 that we used for our jobs.

25 Q. So if a lead would come in, would the lead be Stan's

1 job or would that be something you handled?

2 A. It would be Stan's job.

3 Q. Would Stan be responsible for creating the -- the
4 business connection?

5 A. Yes.

6 Q. And then it would be your job to go in and do the
7 interior design job?

8 A. Yes, sir.

9 Q. How long did you work for Mr. Roberts?

10 A. I would say about two years.

11 Q. From approximately 2015 to 2017?

12 A. Yes.

13 Q. Now, going into the fall of 2016, did you have an
14 opportunity to meet and work with an individual named Bill
15 Stone?

16 A. Yes.

17 Q. Okay.

18 MR. GALLIAN: Carly, if we could publish -- let
19 me back up real quick.

20 Q. How were you introduced to Bill Stone?

21 A. I met him at the house, at his house.

22 Q. Okay. So at this point in time, had Bill Stone and
23 Casi Thompson, had they retained Stan Roberts to work on the
24 job?

25 A. Yes, sir.

1 Q. And so you guys -- you guys were the remodeling
2 company that had been decided at that point?

3 A. Yes, sir.

4 Q. And so the first time you met them was -- was when?

5 A. It was in the fall of 2016. I went to their home.

6 Q. Okay.

7 MR. GALLIAN: And if we could publish Stone's
8 Exhibit 108, please.

9 Q. Is that the house you remember?

10 A. Yes, sir.

11 Q. And so the first time that you met Stone, was it at
12 this house?

13 A. Yes.

14 Q. Who else was there?

15 A. Casi.

16 Q. Anyone else in that first meeting?

17 A. Stan Roberts.

18 Q. So it was just the four of you; it was you, Stan,
19 Bill and Casi?

20 A. Yes.

21 Q. What was your understanding of Bill and Casi's
22 relationship at that time?

23 A. That they were a couple.

24 Q. Any more particulars?

25 A. They were engaged.

1 Q. Why do you say that?

2 A. Because there was a ring.

3 Q. Okay. We'll talk more about that.

4 MR. GALLIAN: If we could publish Stone's
5 Exhibit 19.

6 Q. Is this the same Bill and Casi that you were just
7 talking about?

8 A. Yes, sir.

9 Q. Do you remember anything exciting about the house
10 before you guys did the remodel on it?

11 A. When you walk in to the home, before it was
12 remodeled, there were like mauve, pink pastel walls, and
13 columns.

14 MR. GALLIAN: If we could publish 113, please.

15 Q. That look familiar?

16 A. Yes.

17 Q. Okay. You guys did quite a lot of work here, right?

18 A. Yes, sir.

19 MR. GALLIAN: Carly, if we could publish 102 and
20 then 103 as well.

21 Q. And that is the kitchen area off of the main
22 entryway; is that right?

23 A. That's the kitchen area. That door leads to a
24 garage.

25 Q. This door right here?

1 A. Yes.

2 Q. Okay.

3 MR. GALLIAN: And if we could publish 128 and
4 129.

5 Q. Now, this is a picture of the renovation being
6 completed; is that right?

7 A. In progress, yes.

8 Q. And what we can see, and would be able to see from
9 the other pictures, this wall when you walk in was taken down
10 so it would be more of like an --

11 A. Open concept.

12 Q. -- open concept.

13 MR. GALLIAN: If we could publish 129, please.

14 Q. Is this how you remember the job looking after it was
15 completed?

16 A. Yes, sir.

17 MR. GALLIAN: 130, please.

18 A. Yes.

19 Q. Okay.

20 MR. GALLIAN: And 131.

21 A. Yes, sir.

22 Q. What room do you recall this being?

23 A. The master bathroom.

24 Q. Okay. All right. So let's talk more about your
25 involvement with Bill and Casi. At what point in the process

1 do the individuals start picking out the finishes in the house?

2 A. At the beginning, once we meet.

3 Q. After you had that initial meeting with Bill and
4 Casi, did you guys have any subsequent meetings that you went
5 to any additional places to?

6 A. Yes, to showrooms.

7 Q. Okay. What showrooms did you go to?

8 A. We went to several in the D/FW area. But the primary
9 one was Daltile.

10 Q. Okay. Who was at that meeting; was it Bill or Casi
11 or both?

12 A. Both.

13 Q. Were both Bill and Casi helpful in the design
14 decisions?

15 A. Yes.

16 Q. Now, you guys went to Daltile. On that day do you
17 recall going to any other locations?

18 A. The Tile Shop and Floor & Decor.

19 Q. Is this a pretty common path for any clients of yours
20 to go to locations like that?

21 A. Yes, sir.

22 Q. Now, set the scene for us. Was it everybody arriving
23 at Daltile in separate vehicles, or how was that?

24 A. I arrived in a separate vehicle than they did.

25 Q. But Bill and Casi were together?

1 A. Yes.

2 Q. Do you recall what kind of vehicle they were in when
3 they arrived?

4 A. It was a truck, a Tacoma.

5 Q. Do you remember what color?

6 A. Blue, gray -- blue.

7 Q. Okay. Do you remember if you went to Daltile first
8 or Floor & Decor?

9 A. Daltile first.

10 Q. After you guys went to Floor & Decor -- how did you
11 get there?

12 A. I believe we drove our vehicles there separately.

13 Q. Okay. And after going to -- well, while you were at
14 Floor & Decor, were Bill and Casi both involved in the
15 design-making decisions?

16 A. Yes.

17 Q. After you went to Floor & Decor, did you, Bill and
18 Casi go anywhere else?

19 A. No, we went and ate between those trips.

20 Q. Okay. Where did you guys go and eat?

21 A. At Gas Monkey Garage, the grill.

22 Q. Did you guys all ride together?

23 A. Yes, sir.

24 Q. In what vehicle?

25 A. In Bill's truck.

1 Q. Now, explain to the members of the jury, I mean, how
2 were Bill and Casi interacting during this time? Are they
3 acting like a typical couple?

4 A. Yes.

5 Q. And why do you say that?

6 A. Very normal couple in the middle of remodeling their
7 home; designing, picking choices out. I talk to homeowners
8 every day.

9 Q. In terms of the design decisions, were Bill and Casi
10 able to agree on most of the design decisions?

11 A. Yes. There were a couple that we had to work
12 through.

13 Q. Couple issues?

14 A. Yes.

15 Q. Is it the backsplash?

16 A. Yes.

17 Q. Okay. Who won that one?

18 A. Bill.

19 Q. When you are out at, you know, Gas Monkey Garage
20 having lunch, or at these showroom appointments, are they
21 acting like they are in a couple together? I mean, are they
22 doing couple things?

23 A. Yes, sir.

24 Q. And what makes -- what comes to mind when I ask you
25 that question?

1 A. Interacting like a normal couple would, as if you
2 were dating. So...

3 Q. Did you ever see them holding hands?

4 A. Yes.

5 Q. Did you ever see them kissing?

6 A. No.

7 Q. Do you recall how long the design process took,
8 approximately?

9 A. A couple months.

10 Q. About 2 to 3 months?

11 A. Yes.

12 Q. How often -- or was there a policy of yours how often
13 you would stop by your projects to check in?

14 A. 2 to 3 days a week, depending on the progress going
15 on.

16 Q. When you would show up at those appointments, were
17 they just randomly -- or those kind of check-ins, were they
18 just randomly through the week?

19 A. Yes.

20 Q. When you would show up at those random times, were
21 Bill or Casi ever there?

22 A. Yes.

23 Q. Both of them?

24 A. Yes.

25 Q. Were Bill and Casi always there together, or was it

1 sometimes just Bill or sometimes just Casi?

2 A. There were moments where they weren't together.

3 Q. Was it more moments where they were together?

4 A. Yes. Bill was there most of the time.

5 Q. Now, this is in the fall of 2016, right?

6 A. Yes.

7 Q. What was your understanding of where Bill was living
8 at the time?

9 A. I wasn't quite sure. But it was definitely in the
10 area.

11 Q. D/FW area?

12 A. Yes, sir.

13 Q. What areas in the house did you guys remodel; do you
14 recall?

15 A. The two primary areas were the kitchen and the master
16 bathroom. And then we did just variation updates throughout
17 the home, like painting and flooring.

18 Q. Were Bill and Casi, were they in a rush to finish the
19 design?

20 A. I would say in a sorts.

21 Q. What do you mean by that?

22 A. Jobs typically run longer than we would like them to.
23 So towards the end, we were trying to get it done.

24 Q. So do trials.

25 A. Yes.

1 Q. What was your understanding of their plan after the
2 renovation was complete?

3 A. To move into the home.

4 Q. Who is they?

5 A. Bill and Casi.

6 Q. Anyone else?

7 A. Her son.

8 Q. And that was something that they talked about in
9 front of you openly?

10 A. Yes.

11 Q. Now, in terms of the finances in this job, was that
12 Stan's job or your job to handle the checks and the payments?

13 A. Stan's job.

14 Q. This is going to sound like odd questions. But was
15 there anything odd about Bill and Casi Thompson's relationship
16 as you noticed them from afar?

17 A. No, sir.

18 Q. There's an obvious age gap, which --

19 A. Yes.

20 Q. -- to each their own, right?

21 A. Uh-huh.

22 Q. But did you ever see Bill at times being excessively
23 controlling?

24 A. No.

25 Q. In terms of the design decisions that were made at

1 the house, aside from the backsplash, most of those decisions
2 were made collectively as a group, was it not?

3 A. Yes, sir.

4 Q. At all times that you were with Bill and Casi --
5 well, maybe not all times, but there were a certain number of
6 times -- do you recall Casi actually wearing an engagement
7 ring?

8 A. Yes.

9 Q. Is that something that you would typically notice?

10 A. Yes.

11 Q. And you saw Casi Thompson unequivocally wearing a
12 ring on her left finger; is that right?

13 A. Yes, sir.

14 Q. And was your understanding that her and Bill were
15 engaged?

16 A. Yes, sir.

17 MR. GALLIAN: Brief moment, Your Honor.

18 THE COURT: Sure.

19 (Brief pause.)

20 Q. Was there ever a time that you were walking through
21 the house where you remember Bill Stone or Casi Thompson
22 talking about the room that was going to be for their son?

23 A. Yes. It was on the left side of the house.

24 Q. Okay. So set the scene. When you walk into the
25 house, what area do you walk into?

1 A. You walk into the entryway; that would be your living
2 room. The kitchen is on the right side, and it follows back to
3 the master bathroom and bedroom. And then on the left side of
4 the home, I believe there was a couple bedrooms and a bathroom.

5 Q. And it was your understanding that Bill and Casi were
6 talking about one of those bedrooms off to the left side being
7 for Casi's son?

8 A. Yes, sir.

9 Q. How did Bill and Casi's son interact? Did you ever
10 get to see that?

11 A. Yes, just like they -- I think they had a normal
12 relationship.

13 Q. How many times -- do you remember the name of the
14 child?

15 A. I don't.

16 Q. Okay. Do you remember how many times he was over
17 there, the child?

18 A. One specific time. But there might have been a
19 couple others. I don't remember.

20 Q. How were Bill and Casi to work with as clients?

21 A. Great.

22 Q. I'm sure in the design business you have plenty of
23 people who are not great. Do we agree?

24 A. Yes, sir. Yes, sir.

25 Q. Was Bill always respectful and courteous to your

1 contractors?

2 A. Yes, sir.

3 MR. GALLIAN: You Honor, I'll pass the witness.

4 Thank you very much, Ms. Adams.

5 THE COURT: Members of the jury, are you doing

6 okay?

7 (Respond affirmatively.)

8 THE COURT: All right.

9 MR. WESTFALL: Your Honor, we have no questions.

10 MS. MAX: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MS. MAX:

13 Q. Ms. Adams, my name is Donna Max. I'm an attorney for
14 the government and I have a few questions for you.

15 A. Yes, ma'am.

16 Q. We've never spoke before, have we?

17 A. No, ma'am.

18 Q. Okay. Now, did Bill Stone tell you what he did for a
19 living?

20 A. No, ma'am.

21 Q. Okay. And you are saying that your belief that Casi
22 and Bill were engaged is because you saw a ring on Casi's ring
23 finger; is that right?

24 A. Yes, ma'am.

25 Q. So you made an assumption based upon a piece of

1 jewelry?

2 A. I believe I was introduced to them as a couple that
3 were engaged by my -- from my boss.

4 Q. From your boss?

5 A. Yes, as we walked into the home.

6 Q. But you don't know how that information got to your
7 boss?

8 A. No.

9 Q. Okay. Did you know that -- I'm assuming you did not
10 know that Casi Thompson was under some sort of secret probation
11 with Bill Stone?

12 A. Not at all.

13 Q. You had no idea that Bill Stone was acting as her
14 secret probation officer?

15 A. Not at all.

16 Q. You had no idea that Casi Thompson was living under
17 the threat of going to prison for 50 years?

18 A. No.

19 Q. Would you agree that would be like a really awkward
20 thing to try to present and explain to you as to how I know
21 this person and why we're together?

22 A. Yes.

23 Q. Probably just a lot easier to pass yourself off as a
24 couple, right?

25 A. If I were in that position, I don't feel like I would

1 be able to pass that off --

2 Q. Yeah, it would be hard to explain that to --

3 A. -- if I was uncomfortable.

4 Q. -- it would be hard to explain that to somebody in a
5 very casual business relationship, right?

6 A. Yes and no.

7 Q. Okay. You mentioned -- the Defense counsel asked you
8 a question about Bill Stone being excessively controlling, and
9 you say you didn't see any of that, correct?

10 A. No, ma'am.

11 Q. Would you agree with me that it's excessively
12 controlling to threaten someone with 50 years in prison if they
13 don't do what you say?

14 A. I can't recall.

15 Q. Okay. Would it be excessively controlling to monitor
16 someone's cell phone?

17 A. Depends on who you are.

18 Q. Would it be excessively controlling to conduct
19 physical surveillance on a person?

20 A. We have surveillance in my home.

21 Q. All right. In your home? For who, your children?

22 A. For our property.

23 Q. Okay. Were you aware that during this entire time
24 Casi Thompson had her own home?

25 A. Yes.

1 Q. Okay. Were you aware that from 2016, when you met
2 Casi and Bill, through 2019, Casi never lived in that home that
3 we're discussing, and, in fact, only spent two nights there;
4 were you aware of that?

5 A. No.

6 Q. Were you aware that Bill Stone paid nothing for that
7 home?

8 A. No.

9 Q. Tell me about what female items you saw in the home
10 when you were there.

11 A. The home wasn't lived in.

12 Q. So you saw no evidence of Casi living in that home at
13 all?

14 A. Neither her or Bill.

15 Q. Okay. And were you aware that in July of 2019, Bill
16 Stone very extravagantly proposed to Casi Thompson?

17 A. No.

18 Q. Okay. So it wouldn't make a lot of sense of what you
19 are saying that you believe three years earlier they were
20 engaged when, in fact, Bill Stone proposed to her in July of
21 2019?

22 A. I was not aware of that.

23 Q. Okay. So you'd agree with me, then, that maybe your
24 assumptions were incorrect?

25 A. No, ma'am.

1 MS. MAX: Pass the witness.

2 THE COURT: Anything further?

3 REDIRECT EXAMINATION

4 BY MR. GALLIAN:

5 Q. Ms. Adams, I probably should have asked you this.
6 After the renovation was complete, did you ever see or speak
7 with Bill or Casi ever again?

8 A. No, sir.

9 MR. GALLIAN: Okay. Your Honor, I'll pass the
10 witness.

11 THE COURT: Okay.

12 MR. WESTFALL: Nothing further, Your Honor.

13 THE COURT: Government, anything?

14 MS. MAX: No, Your Honor.

15 THE COURT: Any objection to me excusing this
16 witness?

17 MR. GALLIAN: No, Your Honor.

18 MS. MAX: None from the government.

19 THE COURT: Thank you so much for coming today,
20 ma'am. We really appreciate you. Have a good day.

21 THE WITNESS: You too.

22 (Witness excused.)

23 MR. GALLIAN: Your Honor, members of the jury,
24 at this time Bill Stone rests.

25 MR. WESTFALL: May we approach?

1 THE COURT: Certainly. Actually, I tell you
2 what. I can use a stretch break. Why don't we take us five.

3 (Jurors exit courtroom.)

4 THE COURT: Outside the presence of the jury.

5 MR. SELLERS: I didn't know if they were
6 going to go -- I thought it was going to be more like an hour
7 or two. So we --

8 THE COURT: Okay.

9 MR. SELLERS: -- we have two here that said
10 they'd be here by 2:00 p.m. And she's out there calling
11 another to see if they can get here. And then we'll have two
12 more. They're all character. They're very quick and short, I
13 hope. But you never know how cross will go. So we can call
14 all of them today or we can -- I mean, I just -- looking for
15 some guidance, I guess.

16 THE COURT: I think if we could rest testimony
17 today, we will have a happy jury.

18 MR. SELLERS: I totally agree. But we have all
19 of our witnesses coming from Fort Worth. Some are -- had to be
20 subpoenaed because they are still on the police force.

21 THE COURT: Gotcha.

22 (Off-the-record discussion.)

23 THE COURT: Outside the presence of the jury.
24 Let's talk about Mr. Stone and -- do you want to talk to
25 Mr. DeLeon, too, or just wait?

1 MR. SELLERS: Wait.

2 THE COURT: Talk about the right to testify.

3 And, Mr. Gallian?

4 MR. GALLIAN: Thank you, Your Honor.

5 Bill Stone, as you know, we obviously just
6 closed our case in front of the jury. But you and I have had
7 many conversations about testifying, have we not?

8 DEFENDANT STONE: Yes, sir.

9 MR. GALLIAN: And in those conversations, I made
10 it unequivocally clear that you have the absolute right to
11 testify should you want to, right?

12 DEFENDANT STONE: That is correct.

13 MR. GALLIAN: In those conversations, I told you
14 it was my advice that you not testify in this case; is that
15 fair?

16 DEFENDANT STONE: Yes, sir, it is.

17 MR. GALLIAN: And in following that advice, it
18 has been your decision not to testify in this trial; is that
19 correct?

20 DEFENDANT STONE: That is correct.

21 MR. GALLIAN: But the most important part of
22 that is that it is your understanding that regardless of what
23 my opinion is or what you think the jury is thinking of the
24 case at this point in time, you have an absolute, nonrevocable
25 right to testify in your defense if you want to. Do you

1 understand that?

2 DEFENDANT STONE: That is correct.

3 MR. GALLIAN: And keeping all of that in
4 consideration, you and I had a conversation yesterday afternoon
5 where you relayed you did not want to testify; is that correct?

6 DEFENDANT STONE: That is correct.

7 MR. GALLIAN: And we discussed it again this
8 morning; is that correct?

9 DEFENDANT STONE: Yes, sir.

10 MR. GALLIAN: And that all points relevant, you
11 said that you did not want to testify; is that true?

12 DEFENDANT STONE: That is correct.

13 MR. GALLIAN: Thank you, Your Honor.

14 THE COURT: Please be seated.

15 And you too, Mr. Stone.

16 I've been doing criminal law for about 23 years.
17 And I have to tell you, you certainly do have the absolute
18 right, whatever your lawyer says, to testify. But I think you
19 have made a wise choice not to. I think in light of the
20 evidence, and I -- I think it's just wise to listen to Counsel
21 on this one. And so -- but for the record, you do understand
22 that whatever he says, it's ultimately up to you?

23 DEFENDANT STONE: Yes, ma'am, I understand.

24 THE COURT: And understanding that it's
25 ultimately up to you; not what I think and what your lawyer

1 thinks, do you wish not to testify?

2 DEFENDANT STONE: That is correct.

3 THE COURT: Okay. That is the end of the
4 inquiry.

5 DEFENDANT STONE: Thank you.

6 THE COURT: You're welcome.

7 And as to motion for a directed verdict, that is
8 denied. I went back and clicked through the record, but it is
9 timely preserved.

10 So -- and, Mr. Stone, do you have any questions
11 you want to ask me?

12 DEFENDANT STONE: No, ma'am.

13 THE COURT: Okay. I think you made a good
14 decision.

15 All right. Ready to stack them up and bring
16 them in.

17 (Jurors enter courtroom.)

18 THE COURT: With that said, Mr. Stone has rested
19 his case, and so now is it the opportunity for the lawyers for
20 Mr. DeLeon to present any evidence they choose to, if they
21 choose to.

22 MR. SELLERS: Thank you, Your Honor.

23 THE COURT: You're welcome.

24 MR. SELLERS: We call Brad Thompson to the
25 stand.

1 THE COURT: Mr. Thompson, if you will come on
2 down like The Price Is Right.

3 (Off-the-record discussion.)

4 (Witness sworn.)

5 THE COURT: I'm about to hand you to him for
6 questioning.

7 (Court instruction.)

8 THE COURT: Your witness, sir.

9 BRADLEY THOMPSON,
10 having been first duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. SELLERS:

13 Q. Good afternoon.

14 A. How are you, sir?

15 Q. I'm well. Could you please introduce yourself to the
16 jury?

17 A. My name is Carlson Bradley Thompson.

18 Q. And, Brad, tell us, are you employed or retired?

19 A. Well, I -- I currently am employed, but I retired
20 from the Fort Worth Police Department.

21 Q. And when were you with the Fort Worth Police
22 Department?

23 A. I was with the Fort Worth Police Department from
24 1991 --

25 (Reporter instruction.)

1 Q. You were telling us about the Fort Worth Police
2 Department and your time there.

3 A. Yes. I was a Fort Worth police officer from 1991
4 until 2017.

5 Q. During that time, what were your assignments and what
6 all ranks did you obtain?

7 A. I was assigned to the south division patrol out of
8 the academy. I went to the community services unit and the
9 directed patrol units during that time. Then I transferred to
10 our special operations division as a K9 handler. And spent the
11 bulk of my career in that particular unit. Ending up as the
12 senior handler and the instructive trainer for the unit. And
13 then for the final five years, I was a member of our special
14 investigations unit.

15 Q. And what did you do in special investigations?

16 A. Special investigations, we looked primarily at
17 department employees who had been alleged to have committed a
18 felony offense.

19 Q. You mean police officer?

20 A. Correct. Any City employee or any elected official
21 fell under our purview, but most of our cases were against
22 fellow officers.

23 Q. Kind of like a public integrity unit?

24 A. Very much so.

25 THE COURT: Let's slow it down just a little bit

1 more. Y'all are doing great, but let's wind it down one notch
2 a little bit lower.

3 Q. Let me ask you this. Do you know the gentleman
4 seated over here? I'm pointing to my left. He's seated --
5 standing up now.

6 A. Yes, I do.

7 Q. How long have you known him?

8 A. Pretty much that entire time in Fort Worth.
9 26 years.

10 Q. All right. Tell us how you met Joe.

11 A. I met Joe. Joe was very active in our Citizens
12 Police Academy, our Citizens on Patrol. He was a member of our
13 crime committee -- or CCPD. Crime Control Prevention District,
14 which was the tax entity that -- half-cent sales tax that
15 provided tens of millions of dollars to the police department.
16 He was one of the board members that was overseeing that at one
17 point. He was a business owner. Just very active in the
18 community.

19 Q. What kind of business did you know Joe to own?

20 A. Restaurant.

21 Q. And --

22 A. He also -- there were some wrecker businesses in the
23 past, but mostly restaurants.

24 Q. Was the restaurant called Benito's?

25 A. It was.

1 Q. Was Benito's in the south side?

2 A. It was.

3 Q. And so would it be fair to say that you -- your beat
4 or your area was Joe's neighborhood and Joe's restaurant area?

5 A. For part of that career, it was.

6 Q. And so tell us about during that time how you -- how
7 much interaction you'd have with Joe.

8 A. It varied over the years. There was considerable
9 contact with him in the early years. Because community
10 services unit, anything involving Code Blue or the Citizens
11 Police Academy, anything like that, we would all be at. Joe
12 would always be at those functions.

13 Q. Now, wait a second. What is Code Blue?

14 A. Code Blue is a Citizens on Patrol. It is where
15 people go and they take a block of instruction to basically be
16 eyes and ears for the police department.

17 Q. Do they get issued police uniforms?

18 A. No. They had a windbreaker with a patch on it and a
19 stencil on the back. And they had police radios that they
20 could monitor our calls. And they could also -- if they came
21 across something, they could call it in directly onto our
22 channels.

23 Q. Do you remember specifically when or where you were
24 when you met Joe for the first time?

25 A. It would have been at one of the community meetings.

1 Q. Going on through the years, did you come to have more
2 interaction with Joe?

3 A. I would have interactions on a regular basis with
4 Joe. And somewhere in the mid to late '90s, the city council
5 decided that they wanted control of those tens of millions of
6 dollars of tax revenue. And so they dissolved the board that
7 oversaw it and took it themselves. And Joe called me one night
8 very concerned about that. And we had probably an hour, hour-
9 and-a-half conversation, because he was so afraid that they
10 were going to misappropriate that money that was meant for the
11 police department.

12 Q. How about continuing forward through the years?

13 A. Like I said, almost any public event that the police
14 department had, Joe was typically a regular at. When I worked
15 in the south division patrol, and even after I moved over to
16 special investigations and special operations, if I was doing
17 something on the south side and was out on a call along the
18 imperial corridor, which was one of our main travel
19 thoroughfares, it was not uncommon for Joe to show up on your
20 scene and wanting to chat with you.

21 Q. What do you mean, "show up on your scene"?

22 A. If he saw one of us that he recognized, he would stop
23 and wait for us to finish our call. And a lot of times, even
24 if you're in the middle of the call, you know, if you saw him
25 pull up over there, he might nod or just give you a subtle wave

1 and like, hey, I'm here, just in case anything goes bad. That
2 is kind of how he came across to us.

3 Q. Through the years, did Joe actually become an
4 instructor at the Citizens Police Academy?

5 A. He interpreted for the instructors at the Citizens
6 Police Academy. He interpreted for me on a regular basis at
7 the Citizens Police Academy when we had our Spanish CPAs.

8 Q. Was Joe actually instrumental in putting on the class
9 for the -- those who are not English speaking --

10 A. It certainly appeared to be that way.

11 Q. When we were out in the hallway, I showed you what's
12 been marked as DeLeon's Exhibit 60, 61, 63, 65, 66 and 67. Did
13 you recognize those?

14 A. Yes, I did.

15 Q. Did you recognize what was depicted in those
16 photographs?

17 A. I did.

18 Q. And do they fairly and accurately depict what is
19 shown in the photographs?

20 A. Yes.

21 Q. All right.

22 MR. SELLERS: We would offer DeLeon's 60, 61,
23 63, 65, 66 and 67 for all purposes.

24 MS. MAX: No objection.

25 MR. GALLIAN: No objection, Your Honor.

1 THE COURT: Admitted for all purposes.

2 MR. SELLERS: May I show the jury, Your Honor?

3 THE COURT: You may.

4 Q. I'm going to show you first, Mr. Thompson, what's
5 already been -- oops -- what's already been admitted as
6 DeLeon's 59 -- oh, there we go.

7 Are you familiar with what the inside of a
8 Mercedes looks like?

9 A. Yes, I am.

10 Q. What kind of car did Joe drive?

11 A. Joe drove a small Mercedes SUV during a lot of years
12 that I knew him.

13 Q. All right. And so there's been testimony that
14 Mr. Briley and Joe had some discussions in Mr. Briley's truck,
15 not in Joe's car, and that is where the controlled calls were
16 made.

17 Where does it appear the person taking this
18 photo is sitting?

19 A. In the passenger seat.

20 Q. Of a truck or something else?

21 A. That, I -- based on that photograph, I could not tell
22 you.

23 Q. Fair enough. Volunteer Spanish interpreter herein
24 DeLeon's 59, that's Joe there, isn't it?

25 A. That is correct.

1 Q. FWP access: Anywhere?

2 A. Unescorted access in our facilities.

3 Q. Huh. So there's been some suggestion that Joe is
4 just really impersonating a police officer.

5 MS. MAX: Objection; leading, Your Honor.

6 THE COURT: Sustained.

7 Q. Okay. If anyone were to say that Joe was
8 impersonating a police officer, have you ever heard a report
9 like that?

10 A. No, I have not.

11 Q. Do you believe it's in Joe's character to hold
12 himself out as law enforcement?

13 A. It has never been my experience to have him do that.

14 Q. All right. Let's move now to Exhibit 60. Do you
15 recognize the folks in this photo?

16 A. I recognize two of the three.

17 Q. All right. Who's the gentleman on the left with all
18 the --

19 A. That was our former chief, Ralph Mendoza.

20 Q. All right. And who is the young man on the right?

21 A. That would be a younger Joe DeLeon.

22 Q. Much younger Joe DeLeon. And you don't know who that
23 is in the middle?

24 A. I do not.

25 Q. All right. And we see here Joe has on a shirt. Is

1 that kind of the same type of shirt that the Citizens Police --

2 A. That is. And that is probably a Citizens Police
3 Academy graduate. They would oftentimes have photos made with
4 the chief and Joe.

5 Q. All right. Here in DeLeon 61, where is this photo
6 taken?

7 A. This photo -- let's see. Well, the mats would make
8 me think it's a gym. But those chairs up on that stage, that
9 is in the auditorium -- the old Fort Worth Police Academy.

10 Q. And here we see Joe holding a rope with a carabiner
11 on it; is that right?

12 A. Yes, sir.

13 Q. Do you know the female on the right side of the
14 photo?

15 A. I do not recognize her.

16 Q. All right. Was it a pretty regular occurrence to see
17 Joe around the Fort Worth PD?

18 A. Very regular.

19 Q. Do me a favor before we both get yelled at, all
20 right? Thank you. It's not your first -- it is not my first
21 time, but it's yours, and I don't want that for you, Brad.

22 How about Exhibit 62 here? Nope, sorry, 63 --
23 65, I mean. Where is this photo taken?

24 A. This is also in the auditorium at the old Fort Worth
25 Police Academy.

1 Q. Now, if Joe had no affiliation with the Fort Worth
2 PD, and he's just doing all this crazy stuff, why does he get
3 to stand behind a podium; do you have any idea?

4 A. Joe was very instrumental in a lot of entities within
5 the police department. I would say he was formational Spanish
6 CPA. Even translating the COP, the Citizens on Patrol,
7 curriculum for our Hispanic volunteers. This is -- based on
8 the uniform being worn by the officer behind him, this is a
9 formal occasion too.

10 Q. And there Joe is right in the middle of it?

11 A. Correct.

12 Q. Let me show you 66 here. Are you familiar with who's
13 in this photo?

14 A. Only -- Joe's the only one I recognize right off
15 hand.

16 Q. Right. How about here in 67?

17 A. That -- Joe DeLeon. And then the gentleman to
18 Joe's -- to Joe's right would be one of our COP volunteers. I
19 have forgotten his name now. And I -- the gentleman on the far
20 end seems like another community leader, but I don't know who
21 it is. I've seen him around, but couldn't tell you who he is.
22 And they're at the graves of two Fort Worth police officers,
23 Duane Freeto and Hank Nava.

24 Q. And is this at a funeral, or do you know?

25 A. This would have been after the funeral, after the

1 stones had been set and the -- like I say, you had very similar
2 stones. And with them being side by side, to me, it probably
3 would have been on the anniversary of one of the two deaths.

4 Q. Fallen officers' memorial?

5 A. Could have been.

6 Q. All right.

7 A. Could be, yeah.

8 Q. And there we see, again, Joe right in the mix of it,
9 right?

10 A. Correct.

11 Q. How many times over the years would you say that you
12 had to interact with Joe? Just ballpark for us.

13 A. Probably 60 or 70 or better.

14 Q. If anyone had asked around at the Fort Worth PD about
15 Joe, do you think it's likely that they'd end up talking to you
16 for people who knew Joe?

17 A. I think there was a whole lot of people that could
18 have answered for -- for things about Joe.

19 Q. All right. Did -- let me ask you this. Did anybody
20 from the FBI ever reach out to you to vet or learn about Joe's
21 background with the Fort Worth PD?

22 A. No.

23 Q. How about the Texas Rangers?

24 A. No.

25 Q. How about the Department of Justice Office of

1 Inspector General?

2 A. No.

3 Q. Any law enforcement at all?

4 A. Nobody's reached out to me questioning me about Joe.

5 Q. All right. Before coming here, I sent you a copy of
6 the accusations against Joe, did I not?

7 A. You did.

8 Q. And we'll get into that in just a minute. But one of
9 the important things in a fraud case is determining whether or
10 not somebody's -- what their intent was, right? And what they
11 knew or didn't know.

12 And so let me ask you this. During the times
13 that you've known Joe for, gosh, almost 25-plus years,
14 30 years, even, have you formed an opinion, a personal opinion,
15 about his character for telling the truth and being honest?

16 A. I've never known Joe to not be honest. He's never
17 lied to me, to my knowledge.

18 Q. And so what would your opinion be? Would it be good
19 or would it be bad?

20 A. Be very good.

21 Q. How about others in the community, the reputation of
22 Joe in the community for telling the truth and being honest?
23 And I'm talking about Fort Worth PD and citizens that you know
24 that know Joe. What is his reputation among that community for
25 being honest?

1 A. To my knowledge, it's good. Like I say, I've never
2 heard anybody badmouth Joe.

3 Q. All right. We talked about this one last night. And
4 if you'd answer the same way you did when I brought it up, I'd
5 love it. But have you also formed an opinion about Joe's
6 character for dedication and unquestioned support of law
7 enforcement?

8 A. Oh, he absolutely trusts law enforcement a
9 100 percent. He just -- he -- he revered us, is how it came
10 across.

11 Q. Out in the hallway you gave me an example that if you
12 told Joe a dog could deal blackjack --

13 MS. MAX: Objection. Defense counsel is
14 testifying.

15 THE COURT: Sustained.

16 Q. What's the example you gave me in the hallway?

17 A. The example I gave the counselor out in the hallway,
18 and from my time as a K9 instructor/trainer, I said, if I had
19 told Joe that I could teach a dog to deal blackjack, he would
20 have believed me.

21 Q. That obviously can't happen?

22 A. No.

23 Q. Even if you are a good K9 handler?

24 A. I wasn't that good.

25 Q. What kind of dog did you have?

1 A. Belgian Malinois and German shepherds.

2 Q. Joe -- did Joe ever get to meet the dogs?

3 A. Joe got bit by dogs.

4 Q. What do you mean he got bit by a dog?

5 A. We put him in a bite suit.

6 Q. How many times?

7 A. Just a couple.

8 Q. You put him over there in a bite suit?

9 A. Uh-huh.

10 Q. Did he scream like a little girl?

11 A. No.

12 Q. All right. Let me ask you now, did you have a chance
13 to read through the indictment that I sent you; specifically --

14 A. I did.

15 Q. -- specifically Count 1 and all the different acts
16 that they claim that Joe was directed by DeLeon [sic] to do?
17 Did you read all that?

18 A. Yes.

19 Q. All right. Or directed by Stone to do, rather. Is
20 the Joe you know of a character that is consistent with the
21 allegations in this indictment?

22 MS. MAX: Objection; improper character evidence
23 and asks this witness to draw a legal conclusion.

24 MR. SELLERS: Straight from the charge.

25 MS. MAX: It's not going to a character trait.

1 THE COURT: Give me just a minute. Hold that
2 thought for a second.

3 (Brief pause.)

4 THE COURT: Nikki, would you read back that last
5 question, please?

6 (Requested portion read by Reporter.)

7 THE COURT: I'll allow it.

8 Q. Go ahead.

9 A. I would find it would be very out of character for
10 him to be involved in the things that are in this indictment.

11 Q. Is the Joe you know susceptible to being hoodwinked
12 by somebody who's law enforcement, tricked?

13 A. I would say yes.

14 Q. I want to talk to you now about -- I want to go back
15 to your training and experience in the police field. What was
16 one of the most important things you had to do as a police
17 officer?

18 A. Accurate reporting.

19 Q. Why is accurate reporting so important?

20 A. Because --

21 MS. MAX: Objection; relevance.

22 THE COURT: Overruled.

23 A. A, it's the notes that you are going to refer back to
24 maybe years later on the stand. It also gives prosecutors an
25 idea of what case you are presenting to them. Defense needs it

1 for, you know, fair defense of a client. We were always told
2 that if you don't put it on paper, it didn't happen.

3 Q. And do you expect when you write a report -- and
4 after you write a report, don't you have to submit it to
5 somebody to sign off on?

6 A. Yes.

7 Q. Is that pretty consistent? You know, you've worked
8 at the sheriff's office, too, right?

9 A. Correct.

10 Q. And at the PD?

11 A. Yes.

12 Q. Do you expect it would be any different with the
13 Texas Rangers?

14 A. I would assume it would be the same with them in the
15 chain of command.

16 Q. And so if it's not in the report, it didn't happen?

17 MS. MAX: Objection; improper character
18 evidence.

19 MR. SELLERS: This is not character.

20 THE COURT: If I need a response, I'll tell you.
21 Overruled.

22 Q. What about if a suspect or somebody you are
23 investigating makes a -- why don't you tell the jury what a res
24 gestae statement is.

25 MS. MAX: Objection; offering an expert opinion.

1 THE COURT: If you can establish how he would
2 know that.

3 Q. Do you know what a res gestae statement is?

4 A. I do.

5 Q. Okay. How do you know that?

6 A. 32 years total as a police officer.

7 Q. Right. So could you tell the jury what a res gestae
8 statement is?

9 A. Just an unprompted utterance by a defendant.

10 Q. Why would it be important to note or to put in your
11 report an -- a res gestae statement or a -- an excited
12 utterance of a person you are investigating?

13 A. Usually if it's to the point where you classify it as
14 a res gestae statement, it is going to be something material to
15 your case.

16 Q. And so did I ask you to review Ranger Briley's
17 35-page report?

18 A. You did.

19 Q. And I told you what I heard that didn't sit right
20 with me, right?

21 A. You did.

22 MS. MAX: Objection; sidebar.

23 THE COURT: I'll overrule.

24 Q. Where in there did you see any notation even close to
25 resembling the statement that Joe made, according to

1 Ranger Briley, that she's wealthy and she doesn't need the
2 money?

3 MS. MAX: Objection; going outside the scope of
4 character testimony.

5 THE COURT: Overruled.

6 A. I did not see it.

7 Q. In other words, if Ranger Briley were to testify
8 about it, he'd just have to be drawing on memory from years and
9 years ago?

10 A. Correct.

11 Q. Without any notes for anybody to review ahead of
12 time?

13 MS. MAX: Objection; calls for speculation.
14 Outside the scope of this witness' personal knowledge.

15 THE COURT: You'll have to establish, if you are
16 going to go further down this, how he knows this particular
17 ranger's memory. So sustained.

18 Q. Nevertheless, when a suspect makes an incriminating
19 statement, you expect it to be written down, right?

20 A. I certainly would.

21 Q. So that everyone can rely upon it, right?

22 A. That's correct.

23 Q. And there is no trial by ambush?

24 A. Correct.

25 Q. When's the last time you saw Joe?

1 A. It's been 6 to 8 years.

2 Q. Last time you talked to him?

3 A. It would have been that same time frame.

4 Q. All right. Well, I mean, how do you know that over
5 the last 6 to 8 years Joe hadn't just become this dishonest
6 fraudster; how can you say that?

7 A. I just base it on the 20-plus years that I knew him.

8 Q. Thank you for being here.

9 MR. SELLERS: I'll pass the witness.

10 THE COURT: All right.

11 CROSS-EXAMINATION

12 BY MS. MAX:

13 Q. Hi, Mr. Thompson. I'm Donna Max. We have not spoken
14 before, have we?

15 A. We have not.

16 Q. Okay. I'm representing the government. I have a few
17 questions for you.

18 A. Yes, ma'am.

19 Q. Now, you say you've known Joe DeLeon for 26 years?

20 A. Approximately that, yes.

21 Q. And it sounds like all of those have been in some
22 sort of law enforcement capacity; is that right?

23 A. That is correct.

24 Q. Okay. So this Code Blue that you talked about, the
25 Citizens on Patrol?

1 A. Correct.

2 Q. Okay. And you said Joe was very actively involved
3 with that?

4 A. He was.

5 Q. And when volunteers are going out and doing the
6 Citizens on Patrol, is a police officer accompanying you?

7 A. No, they are not.

8 Q. Okay. So Fort Worth PD is entrusting these
9 volunteers to go out and really represent the Fort Worth Police
10 Department to the community, right?

11 A. To a certain degree, they are.

12 Q. So the Fort Worth Police Department has a -- has a
13 trust in Joe DeLeon, right?

14 A. That is correct.

15 Q. They believe he has the knowledge and the
16 intellectual capabilities to represent them in the community?

17 A. Seems to be, yes, ma'am.

18 Q. Right. By the Code Blue. So it would also seem that
19 the Fort Worth PD would believe that Joe knows a little bit
20 more than the average person about law enforcement, correct?

21 A. I would say he knew more than your average citizen,
22 certainly.

23 Q. Okay. So he's more familiar with law enforcement
24 than the average person?

25 A. He's more familiar with law enforcement personnel,

1 the people involved.

2 Q. But if he's going out and doing the Citizens on
3 Patrol, he clearly has a level of knowledge that's above the
4 average citizen, right? I mean, what else is the purpose of
5 going out -- Citizens on Patrol if you don't know a little bit
6 more than the average citizen?

7 A. You were the eyes and ears of the police department.
8 If you saw something that didn't look right, you called it in,
9 you -- that is their whole deal.

10 Q. Would you agree with me that Joe DeLeon has an
11 above-average knowledge of law enforcement processes?

12 A. Processes, once they leave the street, I don't know
13 that he does.

14 Q. Would you agree with me that Joe DeLeon knows more
15 about law enforcement in general than the average person?

16 A. Yes.

17 Q. And it sounds like he has a lot of friends in law
18 enforcement; is that right?

19 A. That is correct.

20 Q. Okay. I mean, how many -- how many people do you
21 think Joe DeLeon knows in the Fort Worth Police Department?

22 A. Peripherally or pretty directly?

23 Q. At the level of relationship that you have with him.

24 A. Probably 40 or 50 of us.

25 Q. So he -- he knows 40 or 50 people as well as he knows

1 you?

2 A. I would say so.

3 Q. In the Fort Worth Police Department?

4 A. I would say so, yeah.

5 Q. And that would include chiefs?

6 A. That is.

7 Q. Sergeants?

8 A. Yes.

9 Q. Lieutenants?

10 A. Yes.

11 Q. Patrol officers?

12 A. Yes.

13 Q. So there's lots of people that Joe DeLeon could go to
14 and ask questions about any aspect of law enforcement?

15 A. Yes.

16 Q. Do you find that in law enforcement community, fellow
17 officers are happy to educate people and answer questions?

18 A. Typically, yes.

19 Q. Those officers like to talk about their job, don't
20 they?

21 A. Most of the time.

22 Q. And they're happy to share that knowledge with others
23 that are interested, right?

24 A. Yes.

25 Q. So you'd agree with me, then, that Joe DeLeon had

1 a -- 40 to 50 people that at any point he could go and ask any
2 sort of questions about law enforcement to?

3 A. Correct.

4 Q. Okay. So if he had questions about how a federal
5 probation was handled, he had at least 40 to 50 people in the
6 Fort Worth PD that he could go and talk to?

7 A. Not necessarily about federal probation. I don't
8 know anything about federal probation.

9 Q. Do you think if he was friends with FBI agents, he
10 would be able to ask them those questions?

11 A. They would know a little -- you know, far more than I
12 would know about that sort of thing, in the federal -- anything
13 in the federal system.

14 Q. And what you are describing of Joe DeLeon's volunteer
15 roles in the Fort Worth PD, it sounds like he's not just your
16 average volunteer. It sounds like Fort Worth PD has put him in
17 leadership positions; is that correct?

18 A. That's correct.

19 Q. So they've entrusted him -- they've seen something in
20 Joe that's even more than the average volunteer?

21 A. Correct.

22 Q. They've certainly not hesitated to put him in a
23 leadership position to represent Fort Worth Police Department?

24 A. That's correct.

25 Q. Wouldn't you agree to have that sort of trust would

1 require a belief that Joe DeLeon certainly has a good basic
2 knowledge of law enforcement?

3 A. For us, it was more Joe DeLeon has a good reputation
4 within that community than what we had him doing.

5 Q. Okay. So going to your career as a police officer --
6 and how long were you a police officer?

7 A. A total of 32 years.

8 Q. Okay. As a police officer, you knew that it was
9 illegal to take money from a defendant in a criminal case; is
10 that correct?

11 A. Correct.

12 Q. Okay. And I'm going to assume you never took money
13 from a defendant while doing your job.

14 A. No.

15 Q. Okay. Well, why do you make that face?

16 A. Because this is just -- it is absurd to me.

17 Q. It is absurd. Okay. Pretty basic principle in the
18 criminal justice system, right?

19 A. To a police officer, it should be.

20 Q. Are Fort Worth Police Department volunteers told to
21 never take money while acting as a volunteer?

22 A. I cannot recall that being in their curriculum, but
23 I'm sure it probably is.

24 Q. Would you expect a volunteer to also not take money?

25 A. I would expect that.

1 Q. Okay. And volunteers, they are not paid for their
2 time with Fort Worth PD, correct?

3 A. Correct. Only fuel for reimbursement.

4 Q. Okay. And as far as you know, Joe DeLeon never asked
5 Fort Worth PD for any sort of payment?

6 A. I never knew him to ask for a payment for anything.

7 Q. Never asked Fort Worth PD for cash for any of his
8 time volunteering?

9 A. No, not to my knowledge.

10 Q. Never asked Fort Worth Police Department for all his
11 time volunteering?

12 A. No.

13 Q. And would it be safe to say that by the estimate of
14 what you've given about how Joe DeLeon volunteers with the Fort
15 Worth PD, and how long he's volunteered, that he has spent
16 hundreds if not thousands of hours volunteering for the Fort
17 Worth Police Department?

18 A. I would say that is a fair estimate.

19 Q. And to your knowledge, during any of those points,
20 has Joe DeLeon ever got reimbursement for any of that volunteer
21 time?

22 A. Not to my knowledge.

23 Q. Okay. Speaking of knowledge, you don't have any
24 personal knowledge of the facts of this case, right?

25 A. That is correct.

1 Q. So you are not aware that Joe DeLeon agreed to act as
2 a federal probation officer for Casi Thompson?

3 A. I am not.

4 Q. Okay. But based on what you do know of Joe DeLeon,
5 and his employment and background, there's no basis for him to
6 be a federal probation officer for anyone; is that right?

7 A. I'm not sure what the criteria is to be a federal
8 probation officer, but I wouldn't think so.

9 Q. So you don't know him to be employed by a probation
10 office?

11 A. No.

12 Q. You don't know him to be employed by a court?

13 A. No.

14 Q. You don't know him to be employed by a federal
15 agency?

16 A. That is correct.

17 Q. Okay. And from what you know of Joe DeLeon, you know
18 of no reason why he would think that he could be somebody's
19 federal probation officer?

20 A. I think he may be gullible enough that if someone
21 told him -- someone within the federal system told him he was,
22 he would think he was.

23 Q. You're telling me that somebody who has volunteered
24 for thousands of hours with the Fort Worth Police Department,
25 that the Fort Worth Police Department entrusts to go out in the

1 community and represent them, and be in leadership positions,
2 you believe that that person would turn around and, if someone
3 said, you are a federal probation officer, they'd believe that?

4 A. It would have to be someone he trusted. And someone
5 with -- with an actual background.

6 Q. And you believe that Joe DeLeon, with all of his
7 knowledge of law enforcement, would say, you can anoint me a
8 federal probation officer?

9 A. I have no idea what he'd believe.

10 Q. Okay. Does it surprise you to know that Joe DeLeon
11 acted as someone's federal probation officer for years?

12 A. It would.

13 Q. Would it surprise you to learn that within the first
14 60 days of acting as a federal probation officer, he received a
15 \$40,000 truck from that, quote, probationer?

16 A. Yeah, that would not be right.

17 Q. I'm sorry, what was that?

18 A. That would not be right. Doesn't sound right.

19 Q. Would you be surprised to learn that in the first
20 60 days of acting as a, quote, federal probation officer, that
21 Joe DeLeon accepted \$15,000 from that federal probationer?

22 A. I would be surprised.

23 Q. Going back to your question about -- or your answer
24 about if somebody that he trusted, you know, said that he was a
25 federal probation officer. Do you believe he trusted you as a

1 Fort Worth police officer?

2 A. Yes.

3 Q. So do you think if you told Joe DeLeon, you are a
4 Fort Worth police officer, he'd believe it?

5 A. I don't think he'd believe that he could be a police
6 officer. Something else within the system, I might could have
7 convinced him of.

8 Q. Including a court officer?

9 A. Does he even know what a court officer is?

10 Q. No, my question to you is, do you think even a court
11 officer?

12 A. That he could believe that he was a court officer; is
13 that what you are asking me?

14 Q. Yes.

15 A. And my response was, I'm not sure he would even
16 understand what a court officer is.

17 Q. In his training with the Code Blue, you said that
18 they're the eyes and ears and they are told to report if -- if
19 something doesn't look right, to report it?

20 A. Correct.

21 Q. Okay.

22 A. They knew their neighborhood better than, you know,
23 we do. It's their neighborhood.

24 Q. So you'd agree, then, that Joe DeLeon knows and
25 apparently has been trained that if something doesn't look

1 right, to report it to law enforcement?

2 A. Correct.

3 Q. To ask law enforcement?

4 A. Correct.

5 Q. To bring it to someone's attention?

6 A. Correct.

7 Q. Those 40 or 50 officers that he --

8 MR. SELLERS: Object to asked and answered.

9 THE COURT: Overruled.

10 Q. To those 40 or 50 officers that he knows?

11 A. He could.

12 Q. Now, you have testified that you believe Joe DeLeon
13 to be an honest person; is that correct?

14 A. That is correct.

15 Q. Truthful person? You'd agree with me that an honest
16 person wouldn't pretend to be someone's federal probation
17 officer knowing they had no authority to do so; would you agree
18 with that?

19 A. I do agree with that.

20 Q. And you'd agree that an honest person would answer
21 questions that law enforcement asked them truthfully, correct?

22 A. Correct.

23 Q. Would you agree they would do that the first time
24 they're asked a question?

25 A. I would say so.

1 Q. How about the second time they're asked a question?

2 A. I would say so. They shouldn't have to ask a second
3 time.

4 Q. What about the third time they are asked that same
5 question?

6 A. Same.

7 Q. And what about the fourth time they're asked that
8 question?

9 A. Right.

10 MS. MAX: Pass the witness.

11 THE COURT: All right.

12 MR. GALLIAN: Mr. Thompson, thank you for your
13 time; thank you for your service. I have no questions.

14 THE COURT: Any objection to me excusing this
15 witness?

16 MR. SELLERS: I have some redirect, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. SELLERS:

19 Q. Would it surprise you to know that the lady who gave
20 those things to Joe said they were gifts?

21 MS. MAX: Objection. This -- facts outside this
22 witness' knowledge.

23 MR. SELLERS: I think it is fair game at this
24 point.

25 THE COURT: Okay. I'll allow it.

1 A. I would be surprised.

2 Q. Because of the way she asked the questions, it's not
3 really in context, is it?

4 A. If it's a gift, then that does blur the line. But
5 excessive gift.

6 Q. I agree. But let's just say -- you ever know
7 somebody that won the lottery?

8 A. Unfortunately, no.

9 Q. Fair enough. Fair enough. You ever seen somebody
10 who lives paycheck to paycheck?

11 A. Absolutely.

12 Q. All right. People who spend money as fast as it
13 comes in?

14 A. Yes.

15 Q. All right. And if the young lady who gave the truck
16 to Joe says she gave the truck to Joe, a gift is not a fraud,
17 is it?

18 MS. MAX: Objection; calls for speculation and a
19 legal conclusion.

20 THE COURT: Overruled.

21 A. I would say, no, it's not fraud if it is a gift.

22 Q. And you've dealt with lots of citizens, haven't you?

23 A. Yes.

24 Q. When you show up at a citizen's door and knock on the
25 door at 7:00, 8 o'clock in the morning and they are sleeping --

1 you ever done that before?

2 A. Many a time.

3 Q. Are they always the most awake and alert when they
4 first come to the door?

5 A. Nope.

6 Q. And let me -- are people generally nervous when the
7 police show up at their house unannounced?

8 A. Yes.

9 Q. And then if they ask you to follow them over to the
10 police station, do they get sometimes a little more nervous?

11 A. Yes.

12 Q. How about if you then start asking them questions in
13 vague terms about what happened 4-, 5-plus years ago, do you
14 always get the most accurate information?

15 A. No.

16 Q. Does that mean they're lying to you?

17 A. No.

18 Q. Well, if -- just to put this -- what the evidence has
19 been is that there was one meeting where Joe forgot to mention
20 a \$15,000 check she wrote him, and then the second meeting, on
21 his own, he offers that information.

22 MS. MAX: Objection; Defense counsel is
23 testifying.

24 THE COURT: Sustained. There is no question
25 there.

1 Q. Would it surprise you that it took Joe until the
2 second meeting to tell the officer about a \$15,000 check?

3 MS. MAX: Objection; Defense counsel testifying
4 and asking this witness for facts outside of his knowledge.

5 THE COURT: You'll have to explain how he would
6 know that.

7 Q. Do you remember her questions?

8 A. Yes.

9 Q. How about do you think somebody would, you know, tell
10 them the first, second, third, fourth time?

11 A. Yes.

12 Q. Let me ask you this. If you don't ask a suspect
13 about something, are they just automatically lying if they
14 don't offer it themselves?

15 A. No.

16 Q. So if Joe were never asked about, for example, a -- a
17 check that was given to him after he was given the truck, if he
18 was never asked by anybody about that, and he didn't say
19 anything about that, is that lying?

20 A. No.

21 MR. SELLERS: If I could have just one moment,
22 Your Honor?

23 THE COURT: Sure.

24 (Brief pause.)

25 Q. I want to show you a series of texts that are in

1 evidence.

2 MS. MAX: Objection, Your Honor. This is
3 improper character testimony. This witness has no personal
4 knowledge of any evidence in this case.

5 MR. SELLERS: I haven't asked a question.

6 THE COURT: I'll let you -- I'll hold that
7 objection in abeyance until I hear more.

8 Q. I'll represent to you -- you can see the green ones
9 here on the screen?

10 A. Yes.

11 Q. The blue ones also?

12 A. Yes.

13 Q. All right. If I represent to you that the evidence
14 has been that this is -- blue is Bill Stone's messages.

15 MS. MAX: Objection, again, Your Honor. He's --
16 this is outside the scope of character evidence. He's not --
17 he's not an expert -- he's not been named as an expert witness.
18 Nor does he have facts --

19 THE COURT: Okay.

20 MS. MAX: -- personal knowledge of this.

21 THE COURT: No speaking objections. I'll
22 sustain.

23 He's not an investigator.

24 MR. SELLERS: Your Honor, may we approach?

25 THE COURT: No.

1 MR. SELLERS: Okay.

2 Q. Do you know what a chain of command is?

3 A. Yes.

4 Q. If someone talks about passing stuff on to their
5 chain of command, who do they usually mean to?

6 A. The next person higher up the level than they are.

7 Q. And if somebody were to convince Joe to believe that
8 they had a chain of command, and even though they were retired
9 from the FBI, but still an active contractor, do you believe
10 that's something Joe could fall for?

11 MS. MAX: Objection; leading.

12 THE COURT: Sustained.

13 A. I do believe that Joe --

14 MS. MAX: Your Honor?

15 THE COURT: If you could rephrase your question.

16 THE WITNESS: I'm sorry, Your Honor.

17 THE COURT: That's okay. That's okay. I know
18 you are doing the best you can.

19 If you will just rephrase your question, please.

20 MR. SELLERS: Yes, ma'am.

21 THE COURT: And if you still need to approach,
22 you can. But if you don't, let's keep going.

23 MR. SELLERS: No.

24 Q. Can you talk to us about the difference between a
25 probation officer and just a mentor?

1 A. Well, to my knowledge, a probation officer has the
2 legal obligation and authority to actually oversee a person's
3 activities once they're released from custody. Whereas a
4 mentor is just someone who's trying to help you and point you
5 in the right direction.

6 Q. And do you think it's in Joe's character to be
7 convinced that he was a mentor for a federal probationer?

8 MS. MAX: Objection; improper character
9 testimony.

10 THE COURT: Sustained.

11 Q. If Joe were told a federal judge requested him to be
12 a mentor for a federal probation officer -- or a federal
13 probationer, rather, do you believe that Joe might believe
14 something like that, based on you knowing his character?

15 MS. MAX: Objection; speculation.

16 THE COURT: Overruled.

17 A. I would think under those context that Joe would
18 believe that.

19 Q. And you can tell they don't, right?

20 MS. MAX: Objection; sidebar.

21 THE COURT: Sustained, sustained.

22 MR. SELLERS: Pass the witness.

23 MS. MAX: The government has no further
24 questions of this witness.

25 THE COURT: Anything further from anybody?

1 MR. SELLERS: No, ma'am.

2 MR. GALLIAN: No, Your Honor.

3 THE COURT: Sir, thank you so much for coming
4 today. We appreciate you being here, and you have a good rest
5 of your day.

6 THE WITNESS: Thank you.

7 (Witness excused.)

8 MR. SELLERS: Your Honor, we'd call Becky
9 Romero.

10 MS. MAX: May we approach?

11 THE COURT: You may.

12 (Sidebar conference, off the record.)

13 (Witness sworn.)

14 THE COURT: With that said, your witness.

15 REBECCA ROMERO,

16 having been first duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. SELLERS:

19 Q. Ms. Romero, could you please introduce yourself to
20 the jurors?

21 A. Yes, my name is Rebecca Romero.

22 Q. What do you do for a living?

23 A. I'm a Fort Worth police officer.

24 Q. How long have you been a Fort Worth police officer?

25 A. 26 years.

1 Q. And before we both get in trouble, I got to finish
2 the question. If you could just take a quick beat in your head
3 before you answer so that we don't get yelled at, I'm --

4 A. Okay. I'm sorry.

5 Q. -- I'm sensitive.

6 So how many years did you say?

7 A. 26.

8 Q. So about the same amount of time as Officer Thompson?

9 A. Sure. I'm not sure.

10 Q. Okay. Fair enough. And where is your beat or your
11 area that you patrol?

12 A. Right now I actually work in the youth division.

13 Q. Okay. Why don't you walk us through your police
14 career and tell us where all you've been and what you've done.

15 A. I actually started in east Fort Worth in patrol.
16 Which back then it's called the weed and seed (phonetic). And
17 then I moved to north patrol. And then after a little while
18 there, I went back to east patrol. And then after that, I went
19 back to central patrol. And then after that, I went to west
20 patrol. And then I went back to central patrol. And now in
21 youth division.

22 Q. So you've been everywhere but south?

23 A. Well, actually, central back then was south.
24 Central, south worked together.

25 Q. And what years was that that you were in central?

1 A. Let's see. Let's see. I started in '96. Let's see.
2 So it was around -- like 2000, maybe.

3 Q. Okay. Gotcha. And when did you -- let me ask you
4 this. Do you know the gentleman seated over there -- or
5 standing now at the table over there?

6 A. Yes, I do.

7 Q. How do you know him?

8 A. I know him because I used to patrol in the area where
9 his restaurant used to be.

10 Q. And tell us a little bit about the restaurant.

11 A. It was a mom-and-pop-type restaurant. It was like a
12 taqueria, so it was -- you know, always people in and out.

13 Q. Was it more of like a taco truck or like a
14 stand-alone place?

15 A. No, it was actually a -- a building. Attached next
16 to it, it was -- on one side it was a bar and then taqueria.
17 And then it was a laundromat. So it was like a -- like a
18 little strip, but he was like in the middle.

19 Q. Sounds like a good place to spend a Saturday?

20 A. Yeah, a lot of family went there.

21 Q. All right. Did you ever go into his restaurant?

22 A. Yes, I did.

23 Q. Few or many times?

24 A. Many times.

25 Q. And is that how you met Joe?

1 A. I actually met Joe in a different situation.

2 Q. Tell us about it.

3 A. I actually was dealing with a homeless in the park.
4 And normally we had our problems with the homeless in that
5 park. And so I was dealing with him and I could see a
6 gentleman in the far, like behind me. And since we've been
7 trained to like check our surroundings, I kept seeing him.
8 Like I was trying to be -- like I didn't know him. So I was
9 like cautious. So after I was done with the gentleman in the
10 park, then this gentleman approached me. It happened to be
11 Joe.

12 Joe says, I'm watching your back. I just wanted
13 to make sure you were okay. So that is how I met Joe.

14 Q. Did you come to learn that this was kind of a common
15 thing that Joe did?

16 A. Yes.

17 Q. Tell us how you learned that or what other kind of
18 similar experiences you've had.

19 A. Joe would be around police all the time. He helped
20 us with bar checks. He would help us with any situation we
21 wanted. If we needed him, he was always there. Always --
22 never -- if we said, Joe, we need help. Joe was there. Never
23 questioned. He never -- just helped. He always helped.

24 Q. And would you say that was like 1 or 2 times?

25 A. Oh, no. This happened -- the 20 years I know Joe,

1 this is Joe.

2 Q. Like all the time?

3 A. All the time.

4 Q. When you say "bar checks" --

5 A. Yeah, we --

6 Q. -- what do you mean?

7 A. -- we used to be -- in central patrol, we had a lot
8 of bars. And we'd do bar checks to make sure there was no
9 under drinking [sic], there was no illegal activities going on,
10 stuff like that.

11 Q. Why would you need Joe's help for that?

12 A. Joe would help -- even though I spoke Spanish, he was
13 also an interpreter. He always helped interpreting. And
14 sometimes he knew more people in the community, because he was
15 real community oriented. You know, he dealt with a lot of
16 people, so people -- people knew Joe.

17 Q. Did you know Joe to be involved with the Citizens
18 Police Academy?

19 A. Yes.

20 Q. What did you understand his involvement to be?

21 A. Well, I didn't -- I know he was involved. I don't
22 know exactly what he did, because I didn't actually attend
23 their meetings. But I know he was involved into it. I know
24 that he did a lot of community service with the -- you know,
25 with the Citizens Patrol and all -- you know, anything to do

1 with police, he was always involved.

2 Q. Let me ask you this. Prior to this and even -- we've
3 been talking and you've been on our witness list since
4 February, right?

5 A. Yes.

6 Q. I mean, we talked back, you know, I think, close to
7 New Year's or Christmas, and then again as this trial
8 approached, right?

9 A. Correct.

10 Q. Has anybody in that time from the FBI reached out to
11 you to ask what you know about Joe?

12 A. No.

13 Q. Anybody from the Texas Rangers?

14 A. No.

15 Q. Anybody from the Department of Justice Office of
16 Inspector General?

17 A. No.

18 Q. And if they had called you, would you have been happy
19 to tell them about all of the things that you know about Joe?

20 A. Yes.

21 Q. Let me ask you this -- well, first of all, the other
22 night, did I send you a copy of the indictment charging Joe
23 with conspiracy to commit wire fraud?

24 A. Yes.

25 Q. So did you have a chance to read it?

1 A. Yes.

2 Q. And let me ask you first. Is the Joe you know
3 consistent with the character -- the allegations against him in
4 the indictment?

5 MS. RUDOFF: Objection, Your Honor. This is
6 under -- improper under 701, 702 and 608.

7 THE COURT: Overruled.

8 Q. Is the character of the Joe you know consistent with
9 the allegations in the indictment?

10 A. No.

11 Q. One thing you mentioned is you have been around Joe
12 quite a bit, right?

13 A. Yes.

14 Q. And one thing stuck out to you in the indictment.
15 What was that?

16 MS. RUDOFF: Objection, Your Honor. This is an
17 opinion on the evidence in the case.

18 THE COURT: Overruled.

19 Q. What was that?

20 A. It said that Joe always wore a gun -- that he was
21 wearing a gun. Joe always wore a gun. Joe always -- the time
22 that I've ever known him, he always has a license to carry and
23 he is always wearing a gun.

24 Q. And has he ever been unsafe with it in any way?

25 A. No.

1 Q. And carrying a gun is perfectly legal, isn't it?

2 A. Yes, in Texas.

3 Q. And Joe carrying with a license on his hip is
4 perfectly legal, isn't it?

5 MS. RUDOFF: Objection to leading.

6 THE COURT: Sustained.

7 Q. Is -- would it be legal, if a person were to carry --
8 if they have a license to carry -- I guess not even anymore --
9 but on their hip, openly?

10 MS. RUDOFF: Same objection, Your Honor;
11 leading.

12 THE COURT: I'll give a little latitude.

13 Q. Would it be legal to wear a gun on your hip?

14 A. Yes, it is legal.

15 Q. And so I guess that wasn't really a surprise to you,
16 was it?

17 A. No.

18 Q. Let me ask you, in the time you've known Joe, have
19 you formed an opinion about his character for telling the truth
20 and being honest?

21 A. Yes.

22 Q. And what is that opinion?

23 A. Joe's always been very helpful. He never -- all the
24 times that I've seen him help citizens, from all walks of life,
25 he's never asked anything for return. He's never -- even in

1 law enforcement, he's always -- is willing to help without
2 asking for any explanations. Joe trusts police or law
3 enforcement to the max. It's like a lot.

4 Q. Would you say that Joe trusts law enforcement more
5 than the average bear?

6 A. Yes.

7 Q. How about this, do you have an opinion or have you
8 formed an opinion about Joe's character for dedication and
9 unquestioning support of law enforcement?

10 A. Yes. He -- he trusts and supports police, any type
11 of law enforcement, anything. Anything that's to do with law
12 enforcement, he does not question; he trusts.

13 Q. Do you -- knowing the character of Joe, do you
14 believe that if asked about his knowledge of facts and things
15 that happened, that he would be an honest answerer of those
16 questions if they had been asked of him?

17 A. Yes.

18 Q. When is the last time you saw Joe?

19 A. About five years.

20 Q. So we're in 2023. So about 2017, '18?

21 A. I -- around about that time.

22 Q. And so kind of right in the middle of all of the
23 stuff that was going on in the indictment that I sent you?

24 A. Correct.

25 Q. And, you know, it's been a few years, right?

1 A. Yes.

2 Q. How can you assure this jury that Joe hadn't become
3 some fraudster that you just have no idea about in those last
4 five years?

5 A. The 20 years that I've known Joe, Joe's always been
6 the same. He's never changed, never varies. He's always been
7 constant, the same person.

8 Q. Thank you for being here today. And thank you for
9 your service.

10 MR. SELLERS: I'll pass the witness.

11 THE COURT: Members of the jury, are we doing
12 okay?

13 (Respond affirmatively.)

14 THE COURT: Ma'am, are you all right?

15 THE WITNESS: Yes, ma'am. Thank you.

16 CROSS-EXAMINATION

17 BY MS. RUDOFF:

18 Q. Good afternoon. My name is Jenna Rudoff, and I'm one
19 of the prosecutors for the government in this case. We've
20 never met before, correct?

21 A. Correct.

22 Q. And you said you've been employed with Fort Worth PD
23 for 26 years, right?

24 A. Correct.

25 Q. And as an officer, you understand your duties serving

1 as a police officer?

2 A. Correct.

3 Q. And the obligations that come with being a police
4 officer, right?

5 A. Correct.

6 Q. And part of that is knowing what you are allowed to
7 do legally, right?

8 A. Correct.

9 Q. And you said you've known Joe DeLeon for, fair to
10 say, over 20 years?

11 A. Correct.

12 Q. And you mentioned that you know he's been involved in
13 the Fort Worth PD, the Citizens on Patrol, right?

14 A. Correct.

15 Q. And the citizens academy?

16 A. I don't know about the police academy, but I know
17 Citizens on Patrol for sure.

18 Q. And you know that you are not the only law
19 enforcement officer that he knows well, right?

20 A. Correct.

21 Q. In fact, he seems to know a lot of people at Fort
22 Worth PD; is that fair to say?

23 A. Yes.

24 Q. And he interacts with a lot of law enforcement, at
25 least at Fort Worth PD, right?

1 A. Yes.

2 Q. And these include chiefs and sergeants, right?

3 A. At least sergeants, that I know. I don't know about
4 the chiefs, but sergeants I knew.

5 Q. Based on this interaction, would you agree that
6 Joe DeLeon knows more than the average person about how law
7 enforcement works?

8 A. At least what patrol is, he -- he kind of knew.

9 Q. And would you say that he has more than the average
10 person's knowledge about how the criminal justice system works?

11 A. I'm assume so, since he's around police all the time.

12 Q. And from what you know with Joe DeLeon's contacts in
13 law enforcement, do you believe that if he had a question about
14 whether something was a crime or not, that he could come and
15 ask you about it?

16 A. If it was coming from a law enforcement asking --
17 telling him, no, he would not ask. If it was coming from a
18 citizen, yes, he probably would have asked.

19 Q. So it is your position that Joe will do anything a
20 law enforcement officer tells him to do?

21 A. Yes.

22 Q. So if a law enforcement officer told Joe DeLeon to
23 come into this courthouse with a gun and scream and start
24 shooting, you really believe Joe DeLeon would do that?

25 A. Now, I don't think Joe would commit a crime if he was

1 told to do it.

2 Q. So he would do what a law enforcement officer said as
3 long as it wasn't committing a crime?

4 A. As long as he knew it was not committing a crime, he
5 would not do it.

6 Q. Okay. Now, you know as a police officer it's illegal
7 to take money from a defendant in a case, right?

8 A. Correct.

9 Q. And I'm pretty sure I can safely say you yourself
10 have never taken money from a defendant in a criminal case you
11 were handling?

12 A. Correct.

13 Q. And you'd agree that doing so would be illegal?

14 A. Yes, it's illegal.

15 Q. And you would report -- if you found out another
16 officer was doing that, you would report that officer, right?

17 A. Yes, I would.

18 Q. And Fort Worth PD volunteers, they are not paid,
19 correct?

20 A. Correct.

21 Q. And you wouldn't expect a Fort Worth PD volunteer to
22 accept money for their services, right?

23 A. Correct.

24 Q. Because that is wrong?

25 A. I'm assuming.

1 Q. And so Joe DeLeon, as a volunteer for Fort Worth PD,
2 would also know that's wrong?

3 A. I hope so.

4 Q. And as far as you know, in all the time and years
5 that Joe DeLeon has been a volunteer for Fort Worth PD, he's
6 never asked for payment, right?

7 A. Not in my presence, he's never asked.

8 Q. Because he's volunteering his time, correct?

9 A. Correct.

10 Q. And so you've never known him to expect payment for
11 his volunteering of time, right?

12 A. Correct.

13 MR. SELLERS: Your Honor, can we have just a
14 second?

15 (Brief interruption.)

16 Q. And to be clear, you don't have any personal
17 knowledge about the facts of this case?

18 A. No, I don't.

19 Q. And so other than Defense counsel showing you the
20 indictment and telling you what it said, you have no personal
21 information to offer?

22 A. No, I don't.

23 Q. So you are not aware that Joe DeLeon agreed to act as
24 a federal probation officer?

25 MR. SELLERS: Object to speculation. She just

1 said she didn't know.

2 THE COURT: Overruled.

3 Q. I'll repeat my question. You are not aware that
4 Joe DeLeon agreed to act as a federal probation officer?

5 A. No, I did not.

6 Q. Do you -- are you aware of anything in Joe DeLeon's
7 background that would give him the ability or authority to be a
8 probation officer?

9 A. No, I don't.

10 Q. You've never known him to work for a court, right?

11 A. No, I don't.

12 Q. Or a probation office, right?

13 A. No, I don't.

14 Q. And because you don't have any personal knowledge of
15 this case, would you expect the investigators investigating the
16 case to ask you about the case?

17 A. No.

18 Q. So it made sense to you that you didn't get a call
19 from DOJ-OIG about this case, right?

20 A. Correct.

21 Q. And it would make sense to you that you didn't get a
22 call from the Texas Rangers about this case, right?

23 A. Correct.

24 Q. As far as you know of Joe DeLeon, do you believe
25 there is any reason he would think he could be a probation

1 officer?

2 A. No.

3 Q. And you said you know Joe DeLeon to be an honest
4 person, right?

5 A. Yes, I do.

6 Q. And a truthful person?

7 A. Yes, I do.

8 Q. And you'd agree with me that an honest person
9 wouldn't pretend to be a probation officer knowing they didn't
10 have the authority to do so?

11 A. Correct.

12 Q. And knowing what you testified to, Joe DeLeon's
13 respect and -- well, respect of law enforcement, you would
14 expect Joe DeLeon to be forthcoming with any information to law
15 enforcement when he's asked questions, right?

16 A. Yes.

17 Q. And you would expect that Joe DeLeon would answer law
18 enforcement questions fully and honestly, right?

19 A. Yes.

20 Q. You'd agree that someone who repeatedly lies to law
21 enforcement is not an honest person?

22 A. Correct.

23 Q. And you would agree that when law enforcement is
24 asking questions about financial transactions and sharing of --
25 or financial transactions related to a case, an honest person

1 would give information related to those questions?

2 A. Yes.

3 MS. RUDOFF: Pass the witness.

4 THE COURT: All right.

5 MR. SELLERS: Briefly.

6 THE COURT: I think it is his turn.

7 MR. GALLIAN: No questions, Your Honor.

8 THE COURT: All right. Thank you.

9 REDIRECT EXAMINATION

10 BY MR. SELLERS:

11 Q. Quickly, Ms. Romero. What if the evidence was not
12 that he was a probation officer, but a mentor commissioned by
13 the federal judge at the -- via a former federal agent who he
14 believes is still a federal agent, would that change your
15 opinion?

16 MS. RUDOFF: Objection to leading.

17 THE COURT: Sustained.

18 Q. Okay. If the evidence was that he was a mentor and
19 not a probation officer, would that change your opinion?

20 A. Yes.

21 Q. If Joe believed that a federal judge asked him to be
22 a mentor, do you think that's within Joe's character to believe
23 that he's helping?

24 MS. RUDOFF: Objection; leading.

25 THE COURT: I'll give you some latitude.

1 Overruled.

2 Q. To believe that he's helping?

3 A. Definitely.

4 Q. Does Joe have character for helping people?

5 A. Yes, he does.

6 Q. Drug addicts?

7 A. Anybody.

8 Q. Homeless people?

9 A. Yes.

10 Q. People who are influential and people who are not?

11 A. Yes, anybody.

12 Q. And is that kind of just how he is?

13 A. Yes, that's how Joe is.

14 MR. SELLERS: Pass the witness.

15 MS. RUDOFF: Nothing further, Your Honor.

16 THE COURT: All right. Any objection to me
17 excusing this witness?

18 MR. GALLIAN: No, Your Honor.

19 MR. SELLERS: Our last one for the day is here
20 if we want to power through.

21 (Reporter request.)

22 (Jurors exit courtroom.)

23 (Brief recess.)

24 (Witness sworn.)

25 THE COURT: Your witness, sir.

1 JAMES MILLER,
2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. SELLERS:

5 Q. Sergeant Miller, could you please introduce yourself
6 to the jury?

7 A. I'm James Michael Miller. I'm retired from Fort
8 Worth police; retired as a sergeant. I was a sergeant for
9 24 years; retired after 32 years. And then they sucked me back
10 in to be a part-time civilian.

11 Q. What does a part-time civilian do?

12 A. I'm the desk person when you come into a substation
13 or a division headquarters.

14 Q. All right. And so you get to be in charge, so to
15 speak, of that little area?

16 A. Yes, sir. That's my area.

17 Q. That is your domain?

18 A. Yes, sir.

19 Q. All right. Do you know the gentleman seated over
20 here to my left, your right?

21 A. Yes, sir, I do.

22 Q. How do you know him?

23 A. I met Mr. DeLeon when I was a neighborhood --
24 neighborhood police sergeant, which is community policing.

25 Q. All right. Tell us a little bit about community

1 policing.

2 A. We -- Fort Worth was a forefront on starting what
3 they call NPO program, Neighborhood Police Officers, where
4 officers, instead of having to go from call to call like a
5 regular patrol officer, they were assigned a geographical beat.
6 And they would be the problem solvers for that beat. It would
7 be like the patrol officers, they would be ambulance attendants
8 on a problem. They put a Band-Aid on. NPOs then would go in
9 and do the surgery, whatever needed to make the problem,
10 whether it be criminals -- whatever they could do to solve the
11 problems.

12 Q. What kind of problems would y'all deal with, just
13 curious?

14 A. Burglary -- burglaries, auto thefts, sex crimes. Big
15 ones were domestic disturbances and neighborhood disturbances.

16 Q. Gotcha. And so how did you meet Joe through that
17 process?

18 A. He became what we call a -- a COP, which is Citizen
19 on Patroller. And they were civilians we had a training class
20 for, and I was one of the instructors for it. And he lived --
21 he -- had a -- two restaurants technically in our geographical
22 area.

23 Q. The central division?

24 A. Well, at that time they called it south division.
25 Hospital district.

1 Q. Gotcha.

2 A. And he volunteered to assist us whenever we needed
3 for anything that might need bilingual speakers.

4 Q. What kind of stuff just to give us an idea?

5 A. We would assist TABC, Texas Alcohol and Beverage
6 Commission, on joint exercises. Bar checks. Let's call it
7 that.

8 Q. Sure.

9 A. And a lot of our areas were Hispanic. And so they --
10 we didn't want any problems; we just needed to make sure
11 everything's good.

12 Q. Be able to communicate?

13 A. Yes. And we only had a few officers, very few
14 officers at that time that could speak Spanish.

15 Q. So how would Joe help you guys?

16 A. He would translate for us as needed. If we are
17 interviewing somebody, whether it be a complainant, a victim of
18 something, or the suspect. And he would translate it for us
19 and then it would go to the detective it needed to be. It
20 would go to a detective's office from there.

21 Q. Well, what other involvement has Joe had with the
22 Fort Worth PD while you were around?

23 A. He -- anything we had that needed citizen support
24 group. Let's call it that. If they -- it's hard to say.
25 Because any time we would put a call out, saying -- I'm

1 sorry -- that we needed somebody -- people just to help us. It
2 might be if we had a major disaster in the area, we would put
3 up the barricades, but we couldn't staff the barricades
4 normally, completely.

5 And so they -- we'd trained them how -- not to
6 direct traffic, but to -- we had -- they had safety vests, and
7 they would stand there on the inside of the barricades and make
8 sure and tell people, no, you can't come through here, and give
9 them directions to wherever they need to go. Do the
10 barricades.

11 Q. So like if there was a -- you know, say we had a
12 summer unlike this one and it rained a whole lot and there was
13 a flood on the street and y'all would put up barricades, is
14 that kind of --

15 A. We had several -- we had several good areas that
16 would flood up -- and also, we'd have fires. They wouldn't be
17 close to the fires, by the way. But they -- we've had problems
18 around the hospital district where something might have
19 happened.

20 Major accidents where they're not in the
21 roadway, but they're just a support service. If officers were
22 out there directing traffic, and they needed -- they'd been out
23 there three hours, they would bring them a bottle of water.
24 Any way to support us as a -- a support service to the police.

25 Q. What about SWAT callouts? Did y'all ever need

1 Spanish speakers on SWAT callouts?

2 A. I know they did, but I was not personally involved in
3 any of the SWAT callouts.

4 Q. Fair enough. And they would be the same type to
5 handle hostage-type situations as well?

6 A. We actually have trained hostage negotiators. And if
7 we need a -- whatever -- whether it be a Spanish speaker or
8 something, we can -- we will get them from the police
9 department somewhere.

10 Q. Okay. Fair enough. Have you ever used Joe as an
11 interpreter?

12 A. Yes, sir.

13 Q. For what kind of situations?

14 A. The biggest ones, like I said, would be when we were
15 assist -- called to assist the alcohol and beverage control,
16 and you'd have a bar with 200, 300 people in it and you are
17 trying to interview people. Joe was always there to assist us.
18 Many of the patrons spoke English. Some spoke no English.
19 Some spoke a little of each. I speak a little Spanish, but I
20 am not even close to being fluent.

21 Q. Como estas?

22 A. Bien, bien.

23 Q. So let me ask you this. What is a peer's
24 coordinator?

25 A. I'm sorry?

1 Q. Peer's coordinator?

2 A. Peer's coordinator?

3 Q. Yes, sir.

4 A. The peer's program is -- now, I'm not well versed in
5 it. They started that after my retirement.

6 Q. Okay.

7 A. It's a group of officers that serve as peer
8 counselors. If an officer or even a civilian employee has a --
9 let's say an emotional problem, which are -- is quite common in
10 police work, they needed -- they need somebody that can
11 understand what they're talking about.

12 I hope no one is a psychiatrist in here, because
13 you could send them to psychiatrists -- which is all well and
14 good. We'd end up doing that, believe me. But a lot of times
15 they needed to be debriefed and just have -- be able to talk to
16 a police officer or a civilian that understood at least what
17 they were going through. Usually these are times of crisis in
18 the officer's or civilian's life, whether it be family related
19 or on-duty related.

20 Q. When's the last time you had contact with Joe DeLeon?

21 A. I have not -- I don't believe I've spoken to Joe
22 since my retirement party.

23 Q. When was that?

24 A. That was January -- February 1st of -- I think of
25 2008.

1 Q. Okay. Congratulations.

2 A. Thank you.

3 Q. And then you got sucked back in?

4 A. Yeah, I was gone for three years.

5 Q. That's not very long.

6 A. No.

7 Q. Well, let me ask you. In the -- how many years do
8 you think you've known Joe?

9 A. Probably -- let's see. I'm not good at math. That
10 was never my strong suit. I'd say 35 -- yeah, 35 to 40 years.

11 Q. All right. When's the last time you talked to Joe?

12 A. I do not know. I mean, I know that we shared some
13 comments on social media. But that's not a conversation.

14 Q. Sure. I got it.

15 A. Not the way I do it.

16 Q. Right. Let me ask you, in the time that you've known
17 Joe, 35 years or -- or however long, have you formed an opinion
18 about his character for telling the truth and being honest?

19 A. Yes, sir.

20 Q. Do you believe that if Joe DeLeon were asked specific
21 questions that he'd give direct answers to those?

22 A. Yes, sir.

23 Q. And if he were not asked direct questions, and he
24 doesn't give the answers that apparently he's supposed to,
25 would that be a lie?

1 A. If he gave an answer that was -- that he knew was
2 untruthful?

3 Q. Uh-huh.

4 A. That's a lie. And I've never known him to lie to me.

5 Q. Would you say his character for telling the truth and
6 being honest is good or bad?

7 A. Very good.

8 Q. How about his character for unquestioned support and
9 dedication to law enforcement?

10 A. Joe is 100 percent supportive of any law enforcement
11 agency. He -- if he has a fault, that is his fault, that he
12 wants to help law enforcement.

13 Q. I've sent you the indictment by e-mail. We talked --
14 you are not really an e-mailer; is that fair?

15 A. I did get -- yes, sir, I did read it.

16 Q. Great. Awesome. I forgot to ask you in the hall.

17 Is the Joe you know of a character that is
18 consistent with the allegations set out in the indictment
19 against him?

20 MS. RUDOFF: Objection, Your Honor. It's
21 improper under 701, 702 and 608.

22 THE COURT: Overruled.

23 Q. Is the Joe you know consistent with the character of
24 the allegations against him in the indictment?

25 A. I do not believe -- I'll give you 100 percent. I

1 don't believe it.

2 Q. Is that a no?

3 A. That's a no. I'm sorry, that is a no.

4 Q. Okay. And talk to me about the difference between
5 what you do and what a FBI agent does. What you did in Fort
6 Worth PD versus what a FBI agent did, just briefly.

7 A. FBI investigates -- there's a ladder in law
8 enforcement. Now, conversely what most people believe -- the
9 FBI is the highest one -- one of the highest law enforcement
10 agencies in the United States. But they only investigate
11 federal crimes.

12 A municipal police officer can investigate
13 anything from a city ordinance all the way up to federal
14 crimes, state crimes, county crimes.

15 The -- the next level would be a deputy sheriff.
16 They can't do city deals, but they can go from the county,
17 state and up.

18 Q. And federal's kind of stuck in federal court, right?

19 A. I'm trying to be polite. FBI has a specialized --
20 they are a specialized group, and they are for the most part
21 good about their job.

22 Q. Sure. Let me ask you this. If Joe had a question
23 about some things that were allowed or not allowed in the
24 federal system, would a state police officer like you be a good
25 person to ask for advice on that?

1 A. Depending what the question is and what access I
2 would have. I could talk to him about it, but -- let's say,
3 mentor him on something; but if it had to do something that --
4 by state or federal statute, that I was not allowed to address,
5 that would be a different story.

6 Q. Great. How about a federal probation? Is that
7 something you are familiar with or --

8 A. Oh, yes. I understand federal probation all the way
9 down to city probations.

10 Q. But if Joe had an FBI agent, or so he thought, he
11 could rely upon to answer those questions, who do you think
12 would be better, you or the FBI agent?

13 MS. RUDOFF: Objection; leading.

14 THE COURT: Sustained.

15 Q. Who would be the best source of information about a
16 federal probation, a state cop or a federal cop?

17 A. A -- that goes without saying, a federal law
18 enforcement agent.

19 MR. SELLERS: Pass the witness.

20 THE WITNESS: Thank you, sir.

21 MR. SELLERS: You're welcome.

22 CROSS-EXAMINATION

23 BY MS. RUDOFF:

24 Q. Good afternoon.

25 A. Good afternoon, ma'am.

1 Q. You said that you were employed with Fort Worth PD
2 for over 30 years, right?

3 A. Yes, ma'am.

4 Q. And you've been retired since 2008?

5 A. Yes, ma'am.

6 Q. And in fact, you haven't spent much time around
7 Joe DeLeon since 2008, is what you said?

8 A. Not -- not personally being around Joe, no.

9 Q. So you don't really know what Joe's been up to since
10 2008?

11 A. I do not -- I cannot answer that question with a yes
12 or no. And I believe you was wanting me to give you a yes or
13 no.

14 Q. I can clarify my question if that is easier.

15 A. Okay.

16 Q. Since 2008, on a daily basis, you wouldn't -- would
17 you be able to tell us what Joe does every day?

18 A. No, I can't.

19 Q. Would you be able to tell us what's going on with
20 Joe's family on a day-to-day basis?

21 A. Not anymore.

22 Q. Would you be able to tell us what's going on with
23 Joe's work situation on a day-to-day basis?

24 A. Not anymore, ma'am.

25 Q. And you said that your knowledge of Joe DeLeon

1 initiated with Citizens on Patrol, right?

2 A. Technically, but I actually knew the family. His
3 family had an -- in addition to restaurants, had a -- DeLeon's
4 wrecker service, which we used quite frequently on a rotation
5 list to tow impounded vehicles or vehicles involved in traffic
6 accidents.

7 Q. Okay. And you know from his interaction on Citizens
8 on Patrol that Joe DeLeon has spent a significant time around
9 law enforcement officers?

10 A. Yes, ma'am.

11 Q. Would you say, based on that, and I think you
12 testified the training he received to do Citizens on Parole --
13 Patrol, excuse me. That's a slip -- Citizens on Patrol,
14 Joe DeLeon would know more than the average person about how
15 law enforcement works?

16 A. It depends what level of law enforcement.

17 Q. Talking about Fort Worth PD.

18 A. He -- he would know -- we had -- it is an
19 eight-hour -- usually it was an eight-hour course. And we
20 covered like 12 topics. Just a little on investigative --
21 maybe one detective would come in and give them one hour.

22 When I was teaching, I taught patrol procedures
23 for them, what was allowed, what was not allowed, and gang
24 awareness at that time.

25 Q. And Joe had that same training class, is my

1 understanding, right?

2 A. Yes, ma'am. I wrote the -- the manual on it.

3 Q. So based on your manual and your training, fair to
4 say from that class Joe DeLeon would know what was right and
5 what's wrong with regards to police interaction?

6 A. He would know what he was trained to not do and
7 trained to do in a -- in allowable areas as a Citizen on
8 Patroller.

9 Q. Now, as a police officer, you know it's illegal to
10 take money from a defendant, right?

11 A. Yes, ma'am.

12 Q. That would be a crime?

13 A. Yes, ma'am.

14 Q. And you would expect that your volunteers for Fort
15 Worth PD would also not take money from a defendant, right?

16 A. They shouldn't, no. They would be kicked out of the
17 program. And charges, possibly.

18 Q. I'm sorry, what did you say?

19 A. And charges possibly, depending on the situation.

20 Q. And you talked about -- and I think you mentioned
21 something about being a mentor. That if Joe DeLeon came to you
22 and had a question, and like a mentorship-type situation?

23 A. Yes, ma'am.

24 Q. You'd agree that a mentor isn't someone who should be
25 paid by the mentee, right?

1 A. No, ma'am. In my case, as a mentor, I was -- I
2 mentored hundreds of police officers and most of them on a
3 daily basis, and I still mentor police officers that are
4 working today that call me and ask my advice. No one's ever
5 paid me.

6 Q. Would you expect them to pay you?

7 A. They could buy me a -- a barbecue sandwich.

8 Q. What about a brand-new Ford F-150?

9 MR. SELLERS: Objection, Your Honor. It's not
10 the case. Not the facts.

11 THE COURT: Members of the jury, you-all are the
12 judges of the facts; you'll decide what they determine to be.

13 Overruled.

14 Q. As a mentor, what you were saying is that it would be
15 okay if a mentee maybe bought you a barbecue sandwich, right?

16 A. As long as I did not coerce or demand the sandwich.
17 Now, I have demanded that from some of my officers while I was
18 working.

19 Q. I understand. Probably good barbecue in Fort Worth,
20 right?

21 A. I'm better cooking it now than I -- then.

22 Q. Understood. You wouldn't accept a brand-new Ford
23 F-150 truck from a mentee for being their mentor, would you?

24 A. Not unless they own a Ford dealership.

25 Q. Because that would seem like a lot, right?

1 A. Yes, ma'am.

2 Q. And it would be improper for you to expect payment as
3 being a mentor?

4 MR. SELLERS: Object to improper impeachment.

5 THE COURT: Overruled.

6 Q. You can answer.

7 A. Would you repeat the question? I didn't want to jump
8 in to say anything yet.

9 Q. No problem. And it would be improper as a mentor for
10 you to expect payment of like an F-150 truck for your services
11 as a mentor?

12 A. No, but I sure would like one.

13 Q. Understood. What about \$15,000 as a mentor?

14 A. Only way I could see any of that is if that was an
15 agreed-on deal up front.

16 Q. So both parties would have to know that that's the
17 type of relationship, as a mentor and mentee, that it's
18 including 15,000 in payment; is that what you are saying?

19 A. I would think so, yes.

20 Q. Okay. And fair to say you don't have any personal
21 knowledge about the facts of this case, right?

22 A. No, ma'am. Just the indictment.

23 Q. And the indictment that you were given by Defense
24 counsel to read, that didn't include any of the evidence in
25 this case, right?

1 A. Only the asset seizures that are being requested.

2 Q. Okay.

3 A. And amounts.

4 Q. But no actual evidence that's been presented, right?

5 A. No, ma'am.

6 Q. So you don't know any of the facts or the testimony?

7 A. No, ma'am.

8 Q. And so your opinion about the indictment, that's
9 based on not knowing any of the facts or the evidence?

10 A. True.

11 Q. Is there anything you know about Joe DeLeon's
12 background or education that would give him the authority to be
13 a probation officer?

14 A. No, ma'am.

15 Q. And from what you know about Joe DeLeon, is there
16 anything about him that you think would make him think he has
17 the authority to be a probation officer?

18 A. Based on my knowledge, no.

19 Q. And you testified on direct that Joe DeLeon is
20 incredibly supportive of law enforcement, right?

21 A. Yes, ma'am.

22 Q. And always there to assist and help law enforcement,
23 right?

24 A. Yes, ma'am.

25 Q. Is he so supportive that he would help a law

1 enforcement officer commit a crime?

2 A. Do you wish a yes-or-no answer?

3 Q. Is that the kind of support we're talking about?

4 A. I think he could be that naive.

5 Q. He would help an officer commit a crime?

6 A. If he did not understand what he was doing.

7 Q. This same person that has been trained by you for
8 Citizens on Patrol, right?

9 A. Waving a flashlight is different than -- and bringing
10 water to the officers on the street corner is different than
11 what the charges are in the indictment. I'll put it that way.

12 Q. And to be fair, the charges in the indictment, you
13 have no evidence --

14 A. No, ma'am.

15 Q. -- no evidence related to it?

16 A. I have not seen, heard, read or been given any
17 testimony.

18 Q. Okay. That is just your assumption, then?

19 A. It is my personal opinion, that he -- yeah, I'm not
20 going to go any further --

21 Q. Okay.

22 A. -- until you ask me.

23 Q. Okay.

24 MS. RUDOFF: Pass the witness.

25 THE COURT: All right. Thank you.

1 Anything further?

2 MR. GALLIAN: No questions, Your Honor.

3 THE COURT: All right.

4 MR. SELLERS: Nothing further, Your Honor.

5 THE COURT: All right. Any objection to me
6 excusing this witness?

7 MS. RUDOFF: Nothing from the government.

8 MR. GALLIAN: No.

9 MR. SELLERS: No.

10 THE COURT: Thank you so much for coming today.
11 We enjoyed having you.

12 THE WITNESS: Thank you very much, Your Honor.
13 (Off-the-record discussion.)

14 THE COURT: So we're almost to the finish line,
15 but you have not heard everything yet. And so I ask you please
16 not to talk about the case until I have finally handed it to
17 you and you've heard all the evidence from these four walls.

18 Also, when you go home, please don't do any
19 independent research. All the evidence should come from this
20 courtroom. Don't do any sleuthing, please. And if people ask
21 you about the case, you've been picked because you are fair and
22 unbiased. So that jury box gets full if we start talking to
23 other folks. So if you guys will hold off on doing that.
24 You'll get the case tomorrow.

25 And with that said, all rise for the jury. We

1 appreciate you.

2 (Jurors exit courtroom.)

3 (Proceedings adjourned.)

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1 I, BROOKE N. BARR, United States Court Reporter
2 for the United States District Court in and for the Northern
3 District of Texas, Dallas Division, hereby certify that the
4 above and foregoing contains a true and correct transcription
5 of all proceedings in the above-styled and -numbered cause.

6
7 WITNESS MY OFFICIAL HAND this the 8th day of
8 August, 2023.

9
10
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